

1 AN ACT in relation to firearms.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Family and Personal Protection Act.

6 Section 5. Legislative declaration. The General Assembly
7 finds that as a matter of public policy it is necessary to
8 provide statewide uniform standards for issuing permits to
9 carry concealed firearms and that no person who does not
10 qualify under the provisions of this Act receives a permit to
11 carry concealed firearms. The General Assembly recognizes
12 that it already regulates the use and possession of concealed
13 firearms under Sections 24-1 and 24-1.6 of the Criminal Code
14 of 1961 and that the regulation of concealed firearms is an
15 exclusive Statewide function. The General Assembly does not
16 delegate to the Department of State Police the authority to
17 regulate or restrict the issuing of concealed firearms
18 permits provided for in this Act beyond those provisions
19 contained in this Act.

20 Section 10. Definitions. As used in this Act:

21 "Concealed firearm" means a handgun carried on or about a
22 person completely or mostly concealed from view of the
23 public, or carried in a vehicle in such a way as it is
24 concealed from view of the public.

25 "Department" means the Department of State Police.

26 "Director" means the Director of State Police.

27 "Fund" means the Citizen Safety and Self-Defense Trust
28 Fund.

29 "Handgun" has the meaning ascribed to it in subsection
30 (h) of Section 24-3 of the Criminal Code of 1961.

1 "Permit" means a permit to carry a concealed firearm
2 issued by the Department of State Police.

3 "Permittee" means a person who is issued a permit to
4 carry a concealed firearm by the Department of State Police.

5 Section 15. Citizen Safety and Self-Defense Trust Fund.

6 (a) There is created the Citizen Safety and Self-Defense
7 Trust Fund. The Fund shall be maintained apart from the State
8 Treasury and shall be administered by the Department. Money
9 from federal and State sources may be deposited into the
10 Fund. Fees from applications for new, renewal, corrected and
11 duplicate concealed firearms permits shall be deposited into
12 the Fund. The Department may invest the monies in the Fund,
13 and any income on these investments shall be reinvested in
14 the Fund.

15 (b) The Department shall use the moneys in the Fund
16 exclusively for the administration of this Act.

17 Section 20. Permit for concealed firearms. The Department
18 of State Police is authorized to issue permits to carry
19 concealed firearms to persons qualified as provided in this
20 Act. Permits to carry a concealed firearms shall be valid
21 throughout the State for a period of 3 years from the date of
22 issuance. Any person in compliance with the terms of the
23 permit may carry concealed firearms on or about his or her
24 person. The permittee shall carry the permit at all times the
25 permittee is carrying a concealed firearm and shall display
26 the permit upon the request of a law enforcement officer. The
27 permit is valid throughout the State.

28 Section 25. Application for permit and qualifications of
29 applicants.

30 (a) An applicant for a permit shall obtain the
31 application from the Department of State Police. If the

1 applicant resides in a county of less than 3,000,000
2 inhabitants (or if the applicant resides in a county of
3 3,000,000 or more inhabitants but not within any
4 municipality), the application for a permit or renewal of a
5 permit to carry a concealed firearm shall be submitted to the
6 office of the sheriff of the county in which the applicant
7 resides. The completed application and all accompanying
8 material plus an application fee of \$100 for a new permit or
9 \$75 for a renewal shall be presented to the office of the
10 sheriff of the county in which the applicant resides.

11 The sheriff shall transmit the application, accompanying
12 material and any objections to the application, and
13 application fees to the Department of State Police along with
14 the completed application within 10 working days. Twenty
15 dollars of the application fee shall be retained by the
16 office of the sheriff for official expenses of the office.

17 The sheriff may submit specific and articulable reasons
18 to the Department in objection to an application for a
19 concealed firearms permit. He or she shall articulate the
20 recommendation for denial in a written report and transmit
21 that report to the Department of State Police along with the
22 completed application within 10 working days. The Department
23 of State Police shall maintain the report which shall be
24 available to the applicant for a concealed firearms permit.

25 (a-5) If the applicant resides in a county of 3,000,000
26 or more inhabitants and within a municipality, the
27 application for a permit or renewal of a permit to carry a
28 concealed firearm shall be submitted to the municipal police
29 department and the duties imposed upon the county sheriff
30 under subsection (a) shall be imposed upon the municipal
31 police chief of the municipality in which the applicant
32 resides. The municipal police department shall retain \$20 of
33 the application fee for official expenses of the department.

34 (b) The Department of State Police, upon a person's

1 application for a concealed firearms permit, upon receipt of
2 the appropriate fees, and after compliance with the
3 procedures set out in this Section, shall issue the applicant
4 a concealed firearms permit if the person:

5 (i) Is at least 21 years of age;

6 (ii) Resides within the State of Illinois and has
7 been a resident for the last 6 months and is a permanent
8 resident of the United States;

9 (iii) Has not been convicted of a crime punishable
10 by imprisonment for a term exceeding one year, or of a
11 misdemeanor evidencing violence, is not free on any form
12 of bond or pretrial release, and has no outstanding
13 warrants for those crimes;

14 (iv) Has no record of mental disease or mental
15 illness on file with the Department of State Police that
16 would evidence incapacity, or lack of proper mental
17 capacity;

18 (v) Has not been committed to a state or federal
19 facility for the abuse of a controlled substance or
20 cannabis or has not been convicted of a misdemeanor
21 violation of the Illinois Controlled Substances Act or
22 Cannabis Control Act or similar laws of any other state
23 relating to controlled substances or cannabis within a 10
24 year period immediately preceding the date on which the
25 application is submitted; and

26 (vi) Does not chronically and habitually use
27 alcoholic beverages as evidenced by the applicant having
28 2 or more convictions for violating Section 11-501 of the
29 Illinois Vehicle Code or similar provision of a local
30 ordinance within 5 years preceding his or her application
31 or if the applicant has elected treatment under the
32 supervision of a licensed program in accordance with the
33 Alcoholism and Other Drug Abuse and Dependency Act or
34 similar laws of any other state within a 5 year period

1 immediately preceding the date on which the application
2 is submitted.

3 Section 30. Contents of application. The initial
4 application shall be in writing, under oath and under the
5 penalties of perjury, on a standard form promulgated by the
6 Department of State Police and shall be accompanied by the
7 appropriate fees and required documentation. The application
8 shall contain only the following information:

9 (i) the applicant's name, address, gender, and date
10 and place of birth;

11 (ii) a head and shoulder color photograph taken
12 within 30 days preceding the date on which the
13 application is submitted;

14 (iii) questions to certify or demonstrate the
15 applicant has completed a firearms and deadly use of
16 force training and education prerequisites specified
17 under this Act;

18 (iv) a statement that the applicant is a resident
19 of the State of Illinois and has been a resident for the
20 last 6 months and is a permanent resident of the United
21 States;

22 (v) a waiver of privacy and confidentiality rights
23 and privileges enjoyed by the applicant under all federal
24 and state laws governing access to juvenile court,
25 criminal justice, psychological or psychiatric records,
26 or records relating to the applicant's history of
27 institutionalization, and an affirmative request that any
28 person having custody of any such record provide it or
29 information concerning it to the Department;

30 (vi) a conspicuous warning that false statements
31 made by the applicant will result in prosecution for
32 perjury in accordance with Section 32-2 of the Criminal
33 Code of 1961;

1 (vii) An affirmation that the applicant is at least
2 21 years of age, that the applicant possesses a currently
3 valid Illinois Firearm Owner's Identification Card,
4 together with the card number or is applying for the card
5 in conjunction with the concealed firearms permit
6 application;

7 (viii) An affirmation that the applicant has never
8 been convicted of any felony or of a misdemeanor
9 involving the use or threat of physical force or
10 violence to any person; and has never been adjudicated a
11 delinquent minor for an offense which, had he or she
12 been tried as an adult, would have been such a felony or
13 misdemeanor;

14 (ix) The application shall also contain the
15 following statement along with a signature line for use
16 by the applicant, which statement the applicant shall
17 affirm under oath "I the undersigned state, under oath
18 and subject to the penalty of perjury, that I am not a
19 streetgang member as defined in Section 10 of the
20 Illinois Streetgang Terrorism Omnibus Prevention Act, and
21 I will not join or become associated with a criminal
22 streetgang."

23 Section 35. Submission of identifying information; fee.
24 In addition to the completed application, the applicant must
25 also submit the following to the sheriff of the county in
26 which the applicant resides. The sheriff shall submit the
27 information to the Department of State Police:

28 (i) A head and shoulder color photograph as
29 required by Section 30 in a size specified by the
30 Department of State Police taken within 30 days preceding
31 the date on which the application is submitted;

32 (ii) A non-refundable permit fee of \$100 if he or
33 she has not previously been issued such a permit by the

1 Department of State Police, or a non-refundable permit
2 fee of \$75 for each renewal of a permit of which \$20
3 shall be retained by the sheriff or, if the applicant
4 resides within a municipality in a county of 3,000,000 or
5 more inhabitants, by the municipal police department.

6 (iii) A full set of legible fingerprints
7 administered to the applicant by the Department of State
8 Police, or any other federal, State, county or municipal
9 law enforcement agency. Any cost of fingerprinting shall
10 be paid by the applicant.

11 (iv) A photocopy of a certificate or other evidence
12 of completion of a course to show compliance with Section
13 90 of this Act.

14 Section 40. Approval of application.

15 (a) If the Department of State Police finds that the
16 applicant possesses a valid Firearm Owner's Identification
17 Card, meets the training requirements of this Act and has
18 provided the documentation and paid the fees required for
19 issuance of a concealed firearms permit, and that, as nearly
20 as it is possible to determine, nothing in the applicant's
21 background or present circumstances disqualify him or her
22 from possessing a firearm in Illinois, it shall approve the
23 application and issue the applicant a wallet sized permit
24 bearing the photograph of the applicant within 90 days.

25 (b) The Department may consider any objection or
26 recommendation made by the sheriff or municipal police
27 department supported by specific and articulable reasons, in
28 a written report, why the applicant should be denied a permit
29 and may deny the permit based solely on those objections.

30 (c) If the applicant is found to be ineligible, the
31 Department of State Police shall deny the application, and
32 notify the applicant in writing, stating the grounds for
33 denial and informing the applicant of the right to submit,

1 within 30 days, any additional documentation relating to the
2 grounds of the denial. Upon receiving any additional
3 documentation, the Department of State Police shall
4 reconsider its decision and inform the applicant within 30
5 days of the result of the reconsideration. The applicant
6 shall further be informed of the right to appeal the denial
7 in the circuit court of his or her place of residence.

8 (d) The Department of State Police shall maintain an
9 automated listing of permit holders and pertinent
10 information, and this information shall be available on-line,
11 upon request, at all times to all Illinois law enforcement
12 agencies. Except as provided in this subsection, information
13 on applications for permits, names and addresses, or other
14 identifying information relating to permit holders shall be
15 confidential and shall not be made available except to law
16 enforcement agencies. Requests for information about any
17 permit holder made by persons other than a bona fide law
18 enforcement agency shall be made to the Department of State
19 Police together with any fee required for the providing of
20 information. The Department of State Police shall, upon
21 proper application and the payment of the required fee,
22 provide to the requester in written form only, a list of
23 names of any or all holders in the State of Illinois licensed
24 to carry a concealed firearm. No identifying information
25 other than the name shall be provided, and information for
26 geographic areas or other subdivisions of any type from the
27 list shall not be provided, except to a bona fide law
28 enforcement agency, and shall be confidential. No requests
29 for lists of local or statewide permit holders shall be made
30 to any state or local law enforcement agency. No other
31 agency of government other than the Department of State
32 Police shall provide any information to a requester not
33 entitled to it by law. The names of all persons, other than
34 law enforcement agencies and peace officers, requesting

1 information under this Section shall be public records.

2 Section 45. Revocation of a permit.

3 A permit issued under Section 40 shall be suspended or
4 revoked if the permit holder becomes ineligible to be issued
5 a permit under the criteria set forth in subsection (b)(i),
6 (ii), (iii), (iv), (v), and (vi) of Section 25 or subsection
7 (b) of Section 40 of this Act. When an order of protection
8 is issued under Section 112A-14 of the Code of Criminal
9 Procedure of 1963 or under Section 214 of the Illinois
10 Domestic Violence Act of 1986 against a person holding a
11 permit issued under this Act, the holder of the permit shall
12 surrender the permit to the court or to the officer serving
13 the order. The officer to whom the permit is surrendered
14 shall forthwith transmit the permit to the court issuing the
15 order. The permit shall be suspended until the order is
16 terminated.

17 Section 50. Notification of renewal. Not later than 120
18 days before the expiration of any permit issued under this
19 Act, the Department of State Police shall notify the permit
20 holder in writing of the expiration and furnish an
21 application for renewal of the permit.

22 Section 55. Renewal of permit.

23 (a) The permit shall be renewed for a qualified
24 applicant upon receipt of the properly completed renewal
25 application and required renewal fee. The renewal application
26 shall contain the same required information as set forth in
27 paragraphs (i) through (ix) of Section 30, except that in
28 lieu of the firearm education and use of deadly force
29 training, the applicant need only demonstrate previous
30 issuance of and continued eligibility for a concealed
31 firearms permit.

1 (b) A permittee who fails to file a renewal application
2 on or before its expiration date must pay an additional late
3 fee of \$25. A person who fails to renew his or her
4 application within 6 months after it's expiration must
5 reapply for a new permit and pay the fee for a new
6 application.

7 Section 60. Change of address, change of name or lost or
8 destroyed permits.

9 (a) Within 30 days after the changing of a permanent
10 residence, or within 30 days after loss or destruction of a
11 concealed firearms permit, the permittee shall notify the
12 Department of State Police of the loss, destruction, change
13 of name, or change of residence. Failure to notify the
14 Department of State Police shall constitute a noncriminal
15 violation with a penalty of \$25 payable to the Department of
16 State Police.

17 (b) If a person issued a permit to carry a concealed
18 firearm changes residence within this State, or changes his
19 or her name, the person to whom the permit was issued may
20 upon payment of \$25 to the Department of State Police obtain
21 a corrected concealed firearms permit with a change of
22 address or change of name upon furnishing a notarized
23 statement to the Department of State Police that the
24 permittee has changed residence, or his or her name and upon
25 submission of an application as set forth in Section 25 and
26 photograph as set forth in paragraph (ii) of Section 30 of
27 this Act. A concealed firearms permit shall be automatically
28 invalid after 30 days if the permittee has not notified the
29 Department of State Police of a change of residence.

30 (c) If a permit to carry a concealed firearm is lost or
31 destroyed, the permit shall be automatically invalid, and the
32 person to whom the permit was issued may upon payment of \$25
33 to the Department of State Police obtain a duplicate, and

1 upon furnishing a notarized statement to the Department of
2 State Police that the permit was lost or destroyed, and
3 submission of an application as set forth in Section 25 and
4 photograph as set forth in paragraph (ii) of Section 30 of
5 this Act.

6 Section 65. Reciprocity. A person who holds a valid
7 permit or license issued by another state of the United
8 States whose home state permits Illinois residents to obtain
9 a permit or license to carry a concealed firearm in that
10 state may apply directly to the Department of State Police
11 for a permit to carry a concealed firearm in Illinois. The
12 Department of State Police shall take whatever steps are
13 necessary to verify that the person applying has a valid
14 permit or license to carry a concealed firearm issued by his
15 or her home state.

16 Section 70. Concealed firearms permit.

17 (a) A concealed firearm permit shall authorize the
18 person in whose name the permit is issued to carry concealed
19 firearms on or about his or her person or vehicle throughout
20 the State. No permit issued under this Section shall
21 authorize any person to carry a concealed firearm into or
22 upon:

23 (i) Any police, sheriff, or highway patrol office
24 or station without the consent of the chief law
25 enforcement officer in charge of that office or station.

26 (ii) The facility of any adult or juvenile
27 detention or correctional institution, prison, or jail.

28 (iii) Any courthouse, solely occupied by the
29 Circuit, Appellate, or Supreme Court or a courtroom of
30 any of those courts, or court proceeding, except that
31 nothing in this Section shall preclude a judge, holding a
32 concealed firearm permit, from carrying a concealed

1 firearm within a courthouse.

2 (iv) Any meeting of the governing body of a unit of
3 local government; or any meeting of the General Assembly
4 or a committee of the General Assembly, except that
5 nothing in this Section shall preclude a member of the
6 body, holding a concealed firearms permit from carrying a
7 concealed firearm at a meeting of the body which he or
8 she is a member.

9 (v) The General Assembly, county, or municipality
10 may by statute, administrative regulation, or ordinance,
11 prohibit or limit the carrying of concealed firearms by
12 permit holders in that portion of a building owned,
13 leased or controlled by that unit of government. That
14 portion of a building in which the carrying of concealed
15 firearms is prohibited or limited shall be clearly
16 identified by signs posted at the entrance to the
17 restricted area. The statute or ordinance shall exempt
18 any building used for public housing by private persons,
19 highways or rest areas, firing ranges, and private
20 dwellings owned, leased, or controlled by that unit of
21 government from any restriction on the carrying or
22 possession of a firearm. The statute or ordinance shall
23 not specify any criminal penalty for its violation but
24 may specify that persons violating the statute or
25 ordinance may be denied entrance to the building, ordered
26 to leave the building and if the employees of the unit of
27 government, be subjected to disciplinary measures for
28 violation of the provisions of the statute or ordinance.
29 The provisions of this Section shall not apply to any
30 other unit of government.

31 (vi) Any portion of an establishment licensed to
32 dispense beer or alcoholic beverages for consumption on
33 the premises, which portion of the establishment is
34 primarily devoted to that purpose.

1 This paragraph (vi) does not apply to any bona fide
2 restaurant open to the general public having dining
3 facilities for not less than 50 persons and that receives at
4 least 50% of its gross annual income from the dining
5 facilities by the sale of food.

6 (vii) Any area of an airport to which access is
7 controlled by the inspection of persons and property.

8 (viii) Any place where the carrying of a firearm is
9 prohibited by federal law.

10 (ix) Any elementary or secondary school facility
11 without the consent of school authorities.

12 (x) Any portion of a building used as a child care
13 facility without the consent of the manager. Nothing in
14 this Section shall prevent the operator of a child care
15 facility in a family home from owning or possessing a
16 firearm or permit.

17 (xi) A riverboat gambling operation or horse racing
18 facility accessible by the public.

19 (xii) Any gated area of an amusement park.

20 (xiii) Any stadium, arena or collegiate or
21 professional sporting event.

22 (xiv) A church or other place of religious worship.

23 A violation of this subsection (a) is a Class A
24 misdemeanor.

25 A concealed firearm permit does not authorize the
26 concealed carrying or transportation of a stun gun or taser.

27 (b) The owner, business or commercial lessee, manager of
28 a private business enterprise, or any other organization,
29 entity, or person may prohibit persons holding a permit for
30 concealed firearms from carrying concealed firearms on the
31 premises and may prohibit employees, not authorized by the
32 employer, holding a permit for concealed firearms from
33 carrying concealed firearms on the property of the employer.
34 If the building or the premises are open to the public, the

1 employer of the business enterprise shall post signs on or
2 about the premises if carrying a concealed firearm is
3 prohibited. Possession of a firearm in a vehicle on the
4 premises shall not be a criminal offense so long as the
5 firearm is not removed from the vehicle or brandished while
6 the vehicle is on the premises. An employer may prohibit
7 employees or other persons holding a permit for a concealed
8 firearm from carrying a concealed firearm in vehicles owned
9 by the employer. Carrying of a concealed firearm in a
10 location specified in this subsection by a permit holder
11 shall not be a criminal act but may subject the person to
12 denial to the premises or removal from the premises.

13 Section 75. Immunity of Department, sheriff, municipal
14 police department, and their employees and agents. The
15 Department of State Police, office of the county sheriff, or
16 municipal police department or any employee or agent of the
17 Department of State Police, county sheriff, or municipal
18 police department, shall not be liable for damages in any
19 civil action arising from alleged wrongful or improper
20 granting, renewing, or failure to revoke permits issued under
21 this Act. The office of the county sheriff or municipal
22 police department or any employee or agent of the office of
23 the county sheriff or municipal police department shall not
24 be liable for submitting specific and articulable reasons why
25 an applicant should be denied a permit.

26 Section 85. Fees. Fees collected under this Act and
27 deposited into the Citizen Safety and Self-Defense Trust Fund
28 shall be used exclusively for administering the provisions
29 of this Act; except that, commencing January 1, 2002, any
30 excess monies in the Fund may be used to ensure the prompt
31 and efficient processing of applications received under
32 Section 30 of this Act.

- 1 (i) Fees for a concealed firearms permit shall be:
- 2 New permit..\$100
- 3 Renewal..\$75
- 4 Duplicate due to lost or destroyed..\$25
- 5 Corrected permit due to change of address or name..\$25
- 6 Late renewal fee..\$25

7 (ii) The Secretary of State shall conduct a study, to
8 determine the cost and feasibility of creating a method of
9 adding an identifiable code, background, or other means to
10 show that an individual has been issued a permit to carry a
11 concealed firearm by the Department of State Police on the
12 person's driver's license. By March 1 of each year, the
13 Department of State Police shall submit a statistical report
14 to the Governor, the President of the Senate and the Speaker
15 of the House of Representatives, indicating the number of
16 permits issued, revoked, suspended, denied and issued after
17 appeal since the last report and in total and also the number
18 of permits currently valid. The report shall also include the
19 number of arrests, convictions and types of crimes since the
20 last report by individuals issued permits to carry a
21 concealed firearm.

22 Section 90. Applicant training.

23 (a) The applicant training course shall be the
24 standardized training course furnished by the Department and
25 taught by a qualified firearms instructor, consisting of:

26 (1) Twelve hours of classroom instruction, covering
27 at least the following topics:

- 28 (i) handgun safety in the classroom, at home,
29 on the firing range or while carrying the firearm;
- 30 (ii) the basic principles of marksmanship;
- 31 (iii) care and cleaning of handguns; and
- 32 (iv) by means of a videotape produced or
33 approved by the Department:

1 (A) the requirements for obtaining a
2 concealed firearms permit in this State;

3 (B) laws relating to firearms as
4 prescribed in the Firearm Owners Identification
5 Card Act, Article 24 of the Criminal Code of
6 1961, and 18 U.S.C. 921 through 930;

7 (C) laws relating to the justifiable use
8 of force as prescribed in Article 7 of the
9 Criminal Code of 1961.

10 (2) live firing exercises of sufficient duration
11 for each applicant to fire a handgun:

12 (i) from a standing position;

13 (ii) a minimum of 20 rounds;

14 (iii) at a distance from a B-21 silhouette
15 target, or an equivalent as approved by the
16 Department, of 7 yards.

17 (b) The classroom portion of the course may be, at the
18 qualified firearms instructor's discretion, divided into
19 segments of not less than 2 hours each.

20 (c) (1) An applicant training course shall not be open
21 to persons who are less than 21 years of age.

22 (2) An applicant training course students shall
23 complete a course application form, which shall include a
24 statement acknowledging receipt of copies of pertinent
25 statutory provisions listed in clauses (A), (B), and (C)
26 of subparagraph (iv) of paragraph (1) of subsection (a)
27 and a liability waiver.

28 (3) The course application form may be obtained
29 from the qualified firearms instructor at the time of the
30 course.

31 (d) Qualified firearms instructors shall not discuss the
32 content of the video tape or the content of the statutory
33 provisions listed in clauses (A), (B), and (C) of
34 subparagraph (iv) of paragraph (1) of subsection (a) with

1 students, either individually or as a class.

2 (e) At the conclusion of the classroom portion of the
3 applicant training course, the qualified firearms instructor
4 shall:

5 (1) distribute a standard course examination to the
6 students;

7 (2) not leave the room in which the examination is
8 being held while the examination is in progress;

9 (3) collect examination booklets and answer sheets
10 from each student at the end of the examination period;

11 (4) not grade the examinations in the presence of
12 students; and

13 (5) not divulge an applicant's numeric score on the
14 day of the examination, but may indicate whether an
15 applicant passed or failed the examination.

16 (f) A person shall not:

17 (1) Make an unauthorized copy of the applicant
18 training course examination, in whole or in part;

19 (2) Possess the applicant training course
20 examination, or questions from the examination, unless
21 authorized by the Department; or

22 (3) Divulge the contents of an applicant training
23 course examination questions to another person.

24 (g) (1) Students shall provide their own safe,
25 functional handgun and factory-loaded ammunition.

26 (2) Prior to conducting range firing, the certified
27 firearms instructor shall:

28 (i) inspect each applicant's firearm; and

29 (ii) not allow the firing of a handgun that is
30 not in sound mechanical condition or otherwise may
31 pose a safety hazard.

32 (h) Grades of "passing" shall not be given on range work
33 to an applicant who:

34 (1) does not follow the orders of the certified

1 firearms instructor;

2 (2) in the judgment of the certified firearms
3 instructor, handles a firearm in a manner that poses a
4 danger to the applicant or to others; or

5 (3) during the testing portion of the range work
6 fails to hit the silhouette portion of the target with a
7 majority of 20 rounds.

8 (i) Certified firearms instructors shall:

9 (1) allow monitoring of their classes by officials
10 of any certifying agency;

11 (2) make all course records available upon demand
12 to authorized personnel of the Department; and

13 (3) not divulge course records except as authorized
14 by the certifying agency.

15 (j) (1) Fees for applicant training courses shall not
16 exceed \$75 per student.

17 (2) Qualified firearms instructors shall collect
18 the fee and remit \$25 of the fee to the Department.

19 (3) Fees shall not be refunded to students who fail
20 or otherwise do not complete the course.

21 (k) An applicant training course shall not have more
22 than 40 students in the classroom portion or more than 5
23 students per range officer engaged in range firing.

24 (l) Within 3 working days after the completion of the
25 course, the certified firearms instructor shall:

26 (1) grade the examinations and

27 (2) mail to the Department:

28 (i) the completed course application
29 form, showing the student's score on the
30 written examination and indicating whether
31 the student passed or failed the range
32 work, and

33 (ii) the graded examinations.

34 (m) Within 15 days after receipt of the material

1 described in section (1), the Department shall mail to the
2 applicant:

3 (i) A certificate of successful course completion;

4 or

5 (ii) Notification that the applicant has failed the
6 course and will not be certified.

7 (n) A student shall be issued a certificate of
8 completion if he or she:

9 (i) answers at least 70% of the written examination
10 questions correctly; and

11 (ii) achieves a grade of "passing" on the range
12 work.

13 (o) (i) Students who score below 70% on the written
14 examination may retake the examination one time without
15 having to retake the course.

16 (ii) Students who do not achieve a grade of
17 "passing" on the range work may repeat the range work one
18 time without having to retake the course.

19 (iii) Notices of failure will include information
20 on whether the student failed the written exam, the range
21 firing, or both.

22 Section 95. Firearms instructors training.

23 (a) Persons who are not qualified firearms instructors
24 shall not teach applicant training courses.

25 (b) Persons who are not qualified firearms instructors
26 shall not advertise or otherwise represent courses they teach
27 as qualifying their students to meet the requirements to
28 receive a permit to carry concealed firearms in this State.

29 (c) Persons who are not certified instructor trainers
30 shall not teach instructor qualification courses.

31 (d) Persons wishing to become qualified firearms
32 instructors shall:

33 (1) be at least 21 years of age;

1 (2) be a citizen of the United States; and
2 (3) meet the requirements of subsection (b) of
3 Section 25.

4 (e) Persons wishing to become instructor trainers, in
5 addition to the requirements of subsection (d) of this
6 Section, shall:

7 (1) possess a high school diploma or GED
8 certificate,

9 (2) have at least one of the following valid
10 firearms instructor certifications:

11 (I) National Rifle Association Personal
12 Protection Instructor;

13 (II) National Rifle Association Pistol
14 Marksmanship Instructor;

15 (III) Certification from a firearms
16 instructor's course offered by a State or federal
17 governmental agency; or

18 (IV) A similar firearms instructor qualifying
19 course, approved the Director of State Police or his
20 or her designee.

21 (f) (1) Applicants shall agree to background checks.

22 (2) An applicant may be disqualified from taking
23 firearms instructor training, or have his or her
24 instructor qualification revoked if the applicant:

25 (A) does not meet the requirements of this Act
26 to possess a concealed firearms permit;

27 (B) provides false or misleading information
28 on the application; or

29 (C) has had a prior instructor qualification
30 revoked by the Department.

31 (g) The training course to certify firearms instructors
32 and instructor trainers shall include:

33 (1) Sixteen hours of classroom instruction covering
34 at least the following topics:

1 (i) By means of a videotape produced or
2 approved by the Department:

3 (A) the requirements for obtaining a concealed
4 firearms permit in this State;

5 (B) laws relating to firearms as contained in
6 the Firearm Owners Identification Card Act, Article
7 24 of the Criminal Code of 1961, and 18 U.S.C. 921
8 through 930.

9 (C) laws relating to the justifiable use of
10 force as contained in Article 7 of the Criminal Code
11 of 1961;

12 (D) the conduct of applicant training courses;

13 (E) record-keeping requirements of this Act;

14 (F) the basic nomenclature of handguns;

15 (G) the basic principles of marksmanship; and

16 (H) the safe handling of handguns.

17 (2) A classroom demonstration, during which the
18 instructor candidate shall receive instruction on and
19 demonstrate competency in the ability to prepare and
20 deliver a classroom presentation using materials from the
21 applicant curriculum.

22 (3) Range instruction and firing of live
23 ammunition, during which the instructor candidate shall
24 receive instruction on and demonstrate competency in the
25 ability to:

26 (i) handle and fire a handgun safely and
27 accurately;

28 (ii) conduct a function test and safety
29 inspection of common types of handguns;

30 (iii) clean common types of handguns; and

31 (iv) supervise and conduct live firing
32 exercises in a safe and efficient manner.

33 (h) To qualify as a certified firearms instructor or
34 instructor trainer, instructor candidates shall achieve:

1 (1) A minimum score of 70% on a written examination
2 covering the material taught during the classroom portion
3 of the course;

4 (2) A minimum score of 80% on range firing of a
5 handgun from the standing position while aiming at a B-21
6 PC silhouette target or an equivalent as approved by the
7 Department, with a minimum of:

8 (i) ten rounds from 7 yards; and

9 (ii) ten rounds from 15 yards; and

10 (iii) a score of "passing" from the
11 course instructor for demonstrating competency
12 in each of the following:

13 (A) Supervising and conducting live fire;

14 (B) Cleaning and inspecting handguns; and

15 (C) Preparing and delivering the classroom
16 lecture.

17 (i) Instructor candidates who fail to meet the minimum
18 requirements of subsection (h) of this Section may retake the
19 examination, range work, or classroom demonstration one time
20 without having to repeat the course.

21 (j) Qualified firearms instructor and instructor trainer
22 certificates shall be valid for 3 years from date of issue.
23 Qualified firearms instructors or instructor trainers may
24 renew their certification by successfully completing a
25 refresher course offered or approved by the Department.

26 (k) The fees for instructor trainer or refresher courses
27 shall be \$100 per student.

28 (1) The fees for qualified instructor courses shall
29 be no more than \$100 per student. The instructor trainer
30 shall remit \$50 per student to the Department.

31 (2) Fees shall not be refunded to those who do not
32 pass or otherwise fail to complete a course.

33 (1) Course participants shall provide their own safe,
34 functional handgun and factory-loaded ammunition.

1 (m) Prior to conducting range firing, the course
2 instructor shall:

- 3 (i) inspect each applicant's firearm; and
- 4 (ii) not allow the firing of a handgun which is not
5 in sound mechanical condition or otherwise may pose a
6 safety hazard.

7 Section 100. Severability. The provisions of this Act
8 are severable under Section 1.31 of the Statute on Statutes.

9 Section 905. The Firearm Owners Identification Card Act
10 is amended by changing Section 13.1 as follows:

11 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

12 Sec. 13.1. The provisions of any ordinance enacted by any
13 municipality which requires registration or imposes greater
14 restrictions or limitations on the acquisition, possession
15 and transfer of firearms than are imposed by this Act, are
16 not invalidated or affected by this Act, except that an
17 ordinance of a unit of local government, including a home
18 rule unit, is invalid if it is inconsistent with the Family
19 and Personal Protection Act. It is declared to be the policy
20 of this State that the regulation of the right to carry
21 concealed firearms is an exclusive power and function of the
22 State. A home rule unit may not regulate the issuance of
23 permits to carry concealed firearms. This Section is a
24 denial and limitation of home rule powers and functions under
25 subsection (h) of Section 6 of Article VII of the Illinois
26 Constitution.

27 (Source: P.A. 76-1939.)

28 Section 910. The Criminal Code of 1961 is amended by
29 changing Section 24-2 as follows:

1 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)
2 Sec. 24-2. Exemptions.

3 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10)
4 and Section 24-1.6 do not apply to or affect any of the
5 following:

6 (1) Peace officers, and any person summoned by a
7 peace officer to assist in making arrests or preserving
8 the peace, while actually engaged in assisting such
9 officer.

10 (2) Wardens, superintendents and keepers of
11 prisons, penitentiaries, jails and other institutions for
12 the detention of persons accused or convicted of an
13 offense, while in the performance of their official duty,
14 or while commuting between their homes and places of
15 employment.

16 (3) Members of the Armed Services or Reserve Forces
17 of the United States or the Illinois National Guard or
18 the Reserve Officers Training Corps, while in the
19 performance of their official duty.

20 (4) Special agents employed by a railroad or a
21 public utility to perform police functions, and guards of
22 armored car companies, while actually engaged in the
23 performance of the duties of their employment or
24 commuting between their homes and places of employment;
25 and watchmen while actually engaged in the performance of
26 the duties of their employment.

27 (5) Persons licensed as private security
28 contractors, private detectives, or private alarm
29 contractors, or employed by an agency certified by the
30 Department of Professional Regulation, if their duties
31 include the carrying of a weapon under the provisions of
32 the Private Detective, Private Alarm, and Private
33 Security Act of 1983, while actually engaged in the
34 performance of the duties of their employment or

1 commuting between their homes and places of employment,
2 provided that such commuting is accomplished within one
3 hour from departure from home or place of employment, as
4 the case may be. Persons exempted under this subdivision
5 (a)(5) shall be required to have completed a course of
6 study in firearms handling and training approved and
7 supervised by the Department of Professional Regulation
8 as prescribed by Section 28 of the Private Detective,
9 Private Alarm, and Private Security Act of 1983, prior to
10 becoming eligible for this exemption. The Department of
11 Professional Regulation shall provide suitable
12 documentation demonstrating the successful completion of
13 the prescribed firearms training. Such documentation
14 shall be carried at all times when such persons are in
15 possession of a concealable weapon.

16 (6) Any person regularly employed in a commercial
17 or industrial operation as a security guard for the
18 protection of persons employed and private property
19 related to such commercial or industrial operation, while
20 actually engaged in the performance of his or her duty or
21 traveling between sites or properties belonging to the
22 employer, and who, as a security guard, is a member of a
23 security force of at least 5 persons registered with the
24 Department of Professional Regulation; provided that such
25 security guard has successfully completed a course of
26 study, approved by and supervised by the Department of
27 Professional Regulation, consisting of not less than 40
28 hours of training that includes the theory of law
29 enforcement, liability for acts, and the handling of
30 weapons. A person shall be considered eligible for this
31 exemption if he or she has completed the required 20
32 hours of training for a security officer and 20 hours of
33 required firearm training, and has been issued a firearm
34 authorization card by the Department of Professional

1 Regulation. Conditions for the renewal of firearm
2 authorization cards issued under the provisions of this
3 Section shall be the same as for those cards issued under
4 the provisions of the Private Detective, Private Alarm
5 and Private Security Act of 1983. Such firearm
6 authorization card shall be carried by the security guard
7 at all times when he or she is in possession of a
8 concealable weapon.

9 (7) Agents and investigators of the Illinois
10 Legislative Investigating Commission authorized by the
11 Commission to carry the weapons specified in subsections
12 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
13 any investigation for the Commission.

14 (8) Persons employed by a financial institution for
15 the protection of other employees and property related to
16 such financial institution, while actually engaged in the
17 performance of their duties, commuting between their
18 homes and places of employment, or traveling between
19 sites or properties owned or operated by such financial
20 institution, provided that any person so employed has
21 successfully completed a course of study, approved by and
22 supervised by the Department of Professional Regulation,
23 consisting of not less than 40 hours of training which
24 includes theory of law enforcement, liability for acts,
25 and the handling of weapons. A person shall be considered
26 to be eligible for this exemption if he or she has
27 completed the required 20 hours of training for a
28 security officer and 20 hours of required firearm
29 training, and has been issued a firearm authorization
30 card by the Department of Professional Regulation.
31 Conditions for renewal of firearm authorization cards
32 issued under the provisions of this Section shall be the
33 same as for those issued under the provisions of the
34 Private Detective, Private Alarm and Private Security Act

1 of 1983. Such firearm authorization card shall be
2 carried by the person so trained at all times when such
3 person is in possession of a concealable weapon. For
4 purposes of this subsection, "financial institution"
5 means a bank, savings and loan association, credit union
6 or company providing armored car services.

7 (9) Any person employed by an armored car company
8 to drive an armored car, while actually engaged in the
9 performance of his duties.

10 (10) Persons who have been classified as peace
11 officers pursuant to the Peace Officer Fire Investigation
12 Act.

13 (11) Investigators of the Office of the State's
14 Attorneys Appellate Prosecutor authorized by the board of
15 governors of the Office of the State's Attorneys
16 Appellate Prosecutor to carry weapons pursuant to Section
17 7.06 of the State's Attorneys Appellate Prosecutor's Act.

18 (12) Special investigators appointed by a State's
19 Attorney under Section 3-9005 of the Counties Code.

20 (13) Court Security Officers while in the
21 performance of their official duties, or while commuting
22 between their homes and places of employment, with the
23 consent of the Sheriff.

24 (13.5) A person employed as an armed security guard
25 at a nuclear energy, storage, weapons or development site
26 or facility regulated by the Nuclear Regulatory
27 Commission who has completed the background screening and
28 training mandated by the rules and regulations of the
29 Nuclear Regulatory Commission.

30 (14) Manufacture, transportation, or sale of
31 weapons to persons authorized under subdivisions (1)
32 through (13.5) of this subsection to possess those
33 weapons.

34 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any of the following:

2 (1) Members of any club or organization organized
3 for the purpose of practicing shooting at targets upon
4 established target ranges, whether public or private, and
5 patrons of such ranges, while such members or patrons are
6 using their firearms on those target ranges.

7 (2) Duly authorized military or civil organizations
8 while parading, with the special permission of the
9 Governor.

10 (3) Licensed hunters, trappers or fishermen while
11 engaged in hunting, trapping or fishing.

12 (4) Transportation of weapons that are broken down
13 in a non-functioning state or are not immediately
14 accessible.

15 (5) Carrying a concealed firearm by a permittee who
16 has been issued a permit to carry a concealed firearm
17 under the Family and Personal Protection Act.

18 (c) Subsection 24-1(a)(7) does not apply to or affect
19 any of the following:

20 (1) Peace officers while in performance of their
21 official duties.

22 (2) Wardens, superintendents and keepers of
23 prisons, penitentiaries, jails and other institutions for
24 the detention of persons accused or convicted of an
25 offense.

26 (3) Members of the Armed Services or Reserve Forces
27 of the United States or the Illinois National Guard,
28 while in the performance of their official duty.

29 (4) Manufacture, transportation, or sale of machine
30 guns to persons authorized under subdivisions (1) through
31 (3) of this subsection to possess machine guns, if the
32 machine guns are broken down in a non-functioning state
33 or are not immediately accessible.

34 (5) Persons licensed under federal law to

1 manufacture any weapon from which 8 or more shots or
2 bullets can be discharged by a single function of the
3 firing device, or ammunition for such weapons, and
4 actually engaged in the business of manufacturing such
5 weapons or ammunition, but only with respect to
6 activities which are within the lawful scope of such
7 business, such as the manufacture, transportation, or
8 testing of such weapons or ammunition. This exemption
9 does not authorize the general private possession of any
10 weapon from which 8 or more shots or bullets can be
11 discharged by a single function of the firing device, but
12 only such possession and activities as are within the
13 lawful scope of a licensed manufacturing business
14 described in this paragraph.

15 During transportation, such weapons shall be broken
16 down in a non-functioning state or not immediately
17 accessible.

18 (6) The manufacture, transport, testing, delivery,
19 transfer or sale, and all lawful commercial or
20 experimental activities necessary thereto, of rifles,
21 shotguns, and weapons made from rifles or shotguns, or
22 ammunition for such rifles, shotguns or weapons, where
23 engaged in by a person operating as a contractor or
24 subcontractor pursuant to a contract or subcontract for
25 the development and supply of such rifles, shotguns,
26 weapons or ammunition to the United States government or
27 any branch of the Armed Forces of the United States, when
28 such activities are necessary and incident to fulfilling
29 the terms of such contract.

30 The exemption granted under this subdivision (c)(6)
31 shall also apply to any authorized agent of any such
32 contractor or subcontractor who is operating within the
33 scope of his employment, where such activities involving
34 such weapon, weapons or ammunition are necessary and

1 incident to fulfilling the terms of such contract.

2 During transportation, any such weapon shall be
3 broken down in a non-functioning state, or not
4 immediately accessible.

5 (d) Subsection 24-1(a)(1) does not apply to the
6 purchase, possession or carrying of a black-jack or
7 slung-shot by a peace officer.

8 (e) Subsection 24-1(a)(8) does not apply to any owner,
9 manager or authorized employee of any place specified in that
10 subsection nor to any law enforcement officer.

11 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
12 Section 24-1.6 do not apply to members of any club or
13 organization organized for the purpose of practicing shooting
14 at targets upon established target ranges, whether public or
15 private, while using their firearms on those target ranges.

16 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not
17 apply to:

18 (1) Members of the Armed Services or Reserve Forces
19 of the United States or the Illinois National Guard,
20 while in the performance of their official duty.

21 (2) Bonafide collectors of antique or surplus
22 military ordinance.

23 (3) Laboratories having a department of forensic
24 ballistics, or specializing in the development of
25 ammunition or explosive ordinance.

26 (4) Commerce, preparation, assembly or possession
27 of explosive bullets by manufacturers of ammunition
28 licensed by the federal government, in connection with
29 the supply of those organizations and persons exempted by
30 subdivision (g)(1) of this Section, or like organizations
31 and persons outside this State, or the transportation of
32 explosive bullets to any organization or person exempted
33 in this Section by a common carrier or by a vehicle owned
34 or leased by an exempted manufacturer.

1 (h) An information or indictment based upon a violation
2 of any subsection of this Article need not negative any
3 exemptions contained in this Article. The defendant shall
4 have the burden of proving such an exemption.

5 (i) Nothing in this Article shall prohibit, apply to, or
6 affect the transportation, carrying, or possession, of any
7 pistol or revolver, stun gun, taser, or other firearm
8 consigned to a common carrier operating under license of the
9 State of Illinois or the federal government, where such
10 transportation, carrying, or possession is incident to the
11 lawful transportation in which such common carrier is
12 engaged; and nothing in this Article shall prohibit, apply
13 to, or affect the transportation, carrying, or possession of
14 any pistol, revolver, stun gun, taser, or other firearm, not
15 the subject of and regulated by subsection 24-1(a)(7) or
16 subsection 24-2(c) of this Article, which is unloaded and
17 enclosed in a case, firearm carrying box, shipping box, or
18 other container, by the possessor of a valid Firearm Owners
19 Identification Card.

20 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00.)

21 Section 1005. Effective date. This Act takes effect
22 upon becoming law.