



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB1956

Introduced 2/15/2013, by Sen. Gary Forby

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2

Amends the Criminal Code of 2012. Deletes provision that an information or indictment based upon a violation of any provision of the Deadly Weapons Article of the Code need not negate any exemptions contained in the Article. Deletes provision that the defendant shall have the burden of proving the exemption. Effective immediately.

LRB098 10203 RLC 40362 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing  
5 Section 24-2 as follows:

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
9 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
10 the following:

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

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

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

23 (4) Special agents employed by a railroad or a public

1 utility to perform police functions, and guards of armored  
2 car companies, while actually engaged in the performance of  
3 the duties of their employment or commuting between their  
4 homes and places of employment; and watchmen while actually  
5 engaged in the performance of the duties of their  
6 employment.

7 (5) Persons licensed as private security contractors,  
8 private detectives, or private alarm contractors, or  
9 employed by an agency certified by the Department of  
10 Financial and Professional Regulation, if their duties  
11 include the carrying of a weapon under the provisions of  
12 the Private Detective, Private Alarm, Private Security,  
13 Fingerprint Vendor, and Locksmith Act of 2004, while  
14 actually engaged in the performance of the duties of their  
15 employment or commuting between their homes and places of  
16 employment, provided that such commuting is accomplished  
17 within one hour from departure from home or place of  
18 employment, as the case may be. A person shall be  
19 considered eligible for this exemption if he or she has  
20 completed the required 20 hours of training for a private  
21 security contractor, private detective, or private alarm  
22 contractor, or employee of a licensed agency and 20 hours  
23 of required firearm training, and has been issued a firearm  
24 control card by the Department of Financial and  
25 Professional Regulation. Conditions for the renewal of  
26 firearm control cards issued under the provisions of this

1 Section shall be the same as for those cards issued under  
2 the provisions of the Private Detective, Private Alarm,  
3 Private Security, Fingerprint Vendor, and Locksmith Act of  
4 2004. The firearm control card shall be carried by the  
5 private security contractor, private detective, or private  
6 alarm contractor, or employee of the licensed agency at all  
7 times when he or she is in possession of a concealable  
8 weapon.

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

1 card by the Department of Financial and Professional  
2 Regulation. Conditions for the renewal of firearm control  
3 cards issued under the provisions of this Section shall be  
4 the same as for those cards issued under the provisions of  
5 the Private Detective, Private Alarm, Private Security,  
6 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
7 control card shall be carried by the security guard at all  
8 times when he or she is in possession of a concealable  
9 weapon.

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

15 (8) Persons employed by a financial institution for the  
16 protection of other employees and property related to such  
17 financial institution, while actually engaged in the  
18 performance of their duties, commuting between their homes  
19 and places of employment, or traveling between sites or  
20 properties owned or operated by such financial  
21 institution, provided that any person so employed has  
22 successfully completed a course of study, approved by and  
23 supervised by the Department of Financial and Professional  
24 Regulation, consisting of not less than 40 hours of  
25 training which includes theory of law enforcement,  
26 liability for acts, and the handling of weapons. A person

1 shall be considered to be eligible for this exemption if he  
2 or she has completed the required 20 hours of training for  
3 a security officer and 20 hours of required firearm  
4 training, and has been issued a firearm control card by the  
5 Department of Financial and Professional Regulation.  
6 Conditions for renewal of firearm control cards issued  
7 under the provisions of this Section shall be the same as  
8 for those issued under the provisions of the Private  
9 Detective, Private Alarm, Private Security, Fingerprint  
10 Vendor, and Locksmith Act of 2004. Such firearm control  
11 card shall be carried by the person so trained at all times  
12 when such person is in possession of a concealable weapon.  
13 For purposes of this subsection, "financial institution"  
14 means a bank, savings and loan association, credit union or  
15 company providing armored car services.

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

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

21 (11) Investigators of the Office of the State's  
22 Attorneys Appellate Prosecutor authorized by the board of  
23 governors of the Office of the State's Attorneys Appellate  
24 Prosecutor to carry weapons pursuant to Section 7.06 of the  
25 State's Attorneys Appellate Prosecutor's Act.

26 (12) Special investigators appointed by a State's

1 Attorney under Section 3-9005 of the Counties Code.

2 (12.5) Probation officers while in the performance of  
3 their duties, or while commuting between their homes,  
4 places of employment or specific locations that are part of  
5 their assigned duties, with the consent of the chief judge  
6 of the circuit for which they are employed.

7 (13) Court Security Officers while in the performance  
8 of their official duties, or while commuting between their  
9 homes and places of employment, with the consent of the  
10 Sheriff.

11 (13.5) A person employed as an armed security guard at  
12 a nuclear energy, storage, weapons or development site or  
13 facility regulated by the Nuclear Regulatory Commission  
14 who has completed the background screening and training  
15 mandated by the rules and regulations of the Nuclear  
16 Regulatory Commission.

17 (14) Manufacture, transportation, or sale of weapons  
18 to persons authorized under subdivisions (1) through  
19 (13.5) of this subsection to possess those weapons.

20 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
21 24-1.6 do not apply to or affect any of the following:

22 (1) Members of any club or organization organized for  
23 the purpose of practicing shooting at targets upon  
24 established target ranges, whether public or private, and  
25 patrons of such ranges, while such members or patrons are  
26 using their firearms on those target ranges.

1           (2) Duly authorized military or civil organizations  
2 while parading, with the special permission of the  
3 Governor.

4           (3) Hunters, trappers or fishermen with a license or  
5 permit while engaged in hunting, trapping or fishing.

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

8           (5) Carrying or possessing any pistol, revolver, stun  
9 gun or taser or other firearm on the land or in the legal  
10 dwelling of another person as an invitee with that person's  
11 permission.

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

14           (1) Peace officers while in performance of their  
15 official duties.

16           (2) Wardens, superintendents and keepers of prisons,  
17 penitentiaries, jails and other institutions for the  
18 detention of persons accused or convicted of an offense.

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

22           (4) Manufacture, transportation, or sale of machine  
23 guns to persons authorized under subdivisions (1) through  
24 (3) of this subsection to possess machine guns, if the  
25 machine guns are broken down in a non-functioning state or  
26 are not immediately accessible.



1           (5) Persons licensed under federal law to manufacture  
2           any weapon from which 8 or more shots or bullets can be  
3           discharged by a single function of the firing device, or  
4           ammunition for such weapons, and actually engaged in the  
5           business of manufacturing such weapons or ammunition, but  
6           only with respect to activities which are within the lawful  
7           scope of such business, such as the manufacture,  
8           transportation, or testing of such weapons or ammunition.  
9           This exemption does not authorize the general private  
10          possession of any weapon from which 8 or more shots or  
11          bullets can be discharged by a single function of the  
12          firing device, but only such possession and activities as  
13          are within the lawful scope of a licensed manufacturing  
14          business 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 experimental  
20          activities necessary thereto, of rifles, shotguns, and  
21          weapons made from rifles or shotguns, or ammunition for  
22          such rifles, shotguns or weapons, where engaged in by a  
23          person operating as a contractor or subcontractor pursuant  
24          to a contract or subcontract for the development and supply  
25          of such rifles, shotguns, weapons or ammunition to the  
26          United States government or any branch of the Armed Forces

1 of the United States, when such activities are necessary  
2 and incident to fulfilling the terms of such contract.

3 The exemption granted under this subdivision (c)(6)  
4 shall also apply to any authorized agent of any such  
5 contractor or subcontractor who is operating within the  
6 scope of his employment, where such activities involving  
7 such weapon, weapons or ammunition are necessary and  
8 incident to fulfilling the terms of such contract.

9 During transportation, any such weapon shall be broken  
10 down in a non-functioning state, or not immediately  
11 accessible.

12 (7) A person possessing a rifle with a barrel or  
13 barrels less than 16 inches in length if: (A) the person  
14 has been issued a Curios and Relics license from the U.S.  
15 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)  
16 the person is an active member of a bona fide, nationally  
17 recognized military re-enacting group and the modification  
18 is required and necessary to accurately portray the weapon  
19 for historical re-enactment purposes; the re-enactor is in  
20 possession of a valid and current re-enacting group  
21 membership credential; and the overall length of the weapon  
22 as modified is not less than 26 inches.

23 During transportation, any such weapon shall be broken  
24 down in a non-functioning state, or not immediately  
25 accessible.

26 (d) Subsection 24-1(a)(1) does not apply to the purchase,

1 possession or carrying of a black-jack or slung-shot by a peace  
2 officer.

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

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

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

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

16 (2) Bonafide collectors of antique or surplus military  
17 ordinance.

18 (3) Laboratories having a department of forensic  
19 ballistics, or specializing in the development of  
20 ammunition or explosive ordinance.

21 (4) Commerce, preparation, assembly or possession of  
22 explosive bullets by manufacturers of ammunition licensed  
23 by the federal government, in connection with the supply of  
24 those organizations and persons exempted by subdivision  
25 (g)(1) of this Section, or like organizations and persons  
26 outside this State, or the transportation of explosive

1           bullets to any organization or person exempted in this  
2           Section by a common carrier or by a vehicle owned or leased  
3           by an exempted manufacturer.

4           (g-5) Subsection 24-1(a)(6) does not apply to or affect  
5           persons licensed under federal law to manufacture any device or  
6           attachment of any kind designed, used, or intended for use in  
7           silencing the report of any firearm, firearms, or ammunition  
8           for those firearms equipped with those devices, and actually  
9           engaged in the business of manufacturing those devices,  
10          firearms, or ammunition, but only with respect to activities  
11          that are within the lawful scope of that business, such as the  
12          manufacture, transportation, or testing of those devices,  
13          firearms, or ammunition. This exemption does not authorize the  
14          general private possession of any device or attachment of any  
15          kind designed, used, or intended for use in silencing the  
16          report of any firearm, but only such possession and activities  
17          as are within the lawful scope of a licensed manufacturing  
18          business described in this subsection (g-5). During  
19          transportation, these devices shall be detached from any weapon  
20          or not immediately accessible.

21          (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
22          24-1.6 do not apply to or affect any parole agent or parole  
23          supervisor who meets the qualifications and conditions  
24          prescribed in Section 3-14-1.5 of the Unified Code of  
25          Corrections.

26          (g-7) Subsection 24-1(a)(6) does not apply to a peace

1 officer while serving as a member of a tactical response team  
2 or special operations team. A peace officer may not personally  
3 own or apply for ownership of a device or attachment of any  
4 kind designed, used, or intended for use in silencing the  
5 report of any firearm. These devices shall be owned and  
6 maintained by lawfully recognized units of government whose  
7 duties include the investigation of criminal acts.

8 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
9 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
10 athlete's possession, transport on official Olympic and  
11 Paralympic transit systems established for athletes, or use of  
12 competition firearms sanctioned by the International Olympic  
13 Committee, the International Paralympic Committee, the  
14 International Shooting Sport Federation, or USA Shooting in  
15 connection with such athlete's training for and participation  
16 in shooting competitions at the 2016 Olympic and Paralympic  
17 Games and sanctioned test events leading up to the 2016 Olympic  
18 and Paralympic Games.

19 (h) (Blank). ~~An information or indictment based upon a~~  
20 ~~violation of any subsection of this Article need not negate~~  
21 ~~any exemptions contained in this Article. The defendant shall~~  
22 ~~have the burden of proving such an exemption.~~

23 (i) Nothing in this Article shall prohibit, apply to, or  
24 affect the transportation, carrying, or possession, of any  
25 pistol or revolver, stun gun, taser, or other firearm consigned  
26 to a common carrier operating under license of the State of

1 Illinois or the federal government, where such transportation,  
2 carrying, or possession is incident to the lawful  
3 transportation in which such common carrier is engaged; and  
4 nothing in this Article shall prohibit, apply to, or affect the  
5 transportation, carrying, or possession of any pistol,  
6 revolver, stun gun, taser, or other firearm, not the subject of  
7 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
8 this Article, which is unloaded and enclosed in a case, firearm  
9 carrying box, shipping box, or other container, by the  
10 possessor of a valid Firearm Owners Identification Card.

11 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,  
12 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;  
13 97-676, eff. 6-1-12; 97-936, eff. 1-1-13; 97-1010, eff. 1-1-13;  
14 revised 8-23-12.)

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law.