



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB0365

by Rep. Margo McDermed

#### SYNOPSIS AS INTRODUCED:

430 ILCS 66/40  
720 ILCS 5/24-2

Amends the Criminal Code of 2012. Provides an exemption for the offense of unlawful use of weapons for carrying or possessing a concealed firearm upon any public street, alley, or other public lands, or for the offense of aggravated unlawful use of a weapon by a non-resident active duty member of the United States Armed Forces if certain requirements are met. The non-resident active duty member of the United States Armed Forces must be eligible to possess and carry a firearm in public under the laws of his or her state or territory of residence; possess a valid equivalent of an Illinois Firearm Owner's Identification Card issued by his or her state or territory of residence if required by his state or territory of residence; possess valid military identification; and comply with various provisions of the Firearm Concealed Carry Act. Makes conforming changes in the Firearm Concealed Carry Act. Effective immediately.

LRB100 04738 SLF 14744 b

1 AN ACT concerning public safety.

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

4 Section 5. The Firearm Concealed Carry Act is amended by  
5 changing Section 40 as follows:

6 (430 ILCS 66/40)

7 Sec. 40. Non-resident license applications.

8 (a) For the purposes of this Section, "non-resident" means  
9 a person who has not resided within this State for more than 30  
10 days and resides in another state or territory.

11 (b) The Department shall by rule allow for non-resident  
12 license applications from any state or territory of the United  
13 States with laws related to firearm ownership, possession, and  
14 carrying, that are substantially similar to the requirements to  
15 obtain a license under this Act.

16 (c) A resident of a state or territory approved by the  
17 Department under subsection (b) of this Section may apply for a  
18 non-resident license. The applicant shall apply to the  
19 Department and must meet all of the qualifications established  
20 in Section 25 of this Act, except for the Illinois residency  
21 requirement in item (xiv) of paragraph (2) of subsection (a) of  
22 Section 4 of the Firearm Owners Identification Card Act. The  
23 applicant shall submit:

1           (1) the application and documentation required under  
2           Section 30 of this Act and the applicable fee;

3           (2) a notarized document stating that the applicant:

4                 (A) is eligible under federal law and the laws of  
5                 his or her state or territory of residence to own or  
6                 possess a firearm;

7                 (B) if applicable, has a license or permit to carry  
8                 a firearm or concealed firearm issued by his or her  
9                 state or territory of residence and attach a copy of  
10                the license or permit to the application;

11               (C) understands Illinois laws pertaining to the  
12               possession and transport of firearms; and

13               (D) acknowledges that the applicant is subject to  
14               the jurisdiction of the Department and Illinois courts  
15               for any violation of this Act;

16           (3) a photocopy of any certificates or other evidence  
17           of compliance with the training requirements under Section  
18           75 of this Act; and

19           (4) a head and shoulder color photograph in a size  
20           specified by the Department taken within the 30 days  
21           preceding the date of the application.

22           (d) In lieu of an Illinois driver's license or Illinois  
23           identification card, a non-resident applicant shall provide  
24           similar documentation from his or her state or territory of  
25           residence. In lieu of a valid Firearm Owner's Identification  
26           Card, the applicant shall submit documentation and information

1 required by the Department to obtain a Firearm Owner's  
2 Identification Card, including an affidavit that the  
3 non-resident meets the mental health standards to obtain a  
4 firearm under Illinois law, and the Department shall ensure  
5 that the applicant would meet the eligibility criteria to  
6 obtain a Firearm Owner's Identification card if he or she was a  
7 resident of this State.

8 (e) Nothing in this Act shall prohibit a non-resident from  
9 transporting a concealed firearm within his or her vehicle in  
10 Illinois, if the concealed firearm remains within his or her  
11 vehicle and the non-resident:

12 (1) is not prohibited from owning or possessing a  
13 firearm under federal law;

14 (2) is eligible to carry a firearm in public under the  
15 laws of his or her state or territory of residence, as  
16 evidenced by the possession of a concealed carry license or  
17 permit issued by his or her state of residence, if  
18 applicable; and

19 (3) is not in possession of a license under this Act.

20 (f) A non-resident active duty member of the United States  
21 Armed Forces allowed to carry a concealed firearm under  
22 paragraph (6) of subsection (b) of Section 24-2 of the Criminal  
23 Code of 2012 shall comply in the same manner as a licensee with  
24 the provisions under Section 65 and subsection (d) of Section  
25 70 of this Act and shall be subject to the same penalties as a  
26 licensee for a violation of those provisions.

1           If the non-resident leaves his or her vehicle unattended,  
2 he or she shall store the firearm within a locked vehicle or  
3 locked container within the vehicle in accordance with  
4 subsection (b) of Section 65 of this Act.

5           (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-78,  
6 eff. 7-20-15.)

7           Section 10. The Criminal Code of 2012 is amended by  
8 changing Section 24-2 as follows:

9           (720 ILCS 5/24-2)

10          Sec. 24-2. Exemptions.

11          (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
12 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
13 the following:

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

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

22           (3) Members of the Armed Services or Reserve Forces of  
23 the United States or the Illinois National Guard or the  
24 Reserve Officers Training Corps, while in the performance

1 of their official duty.

2 (4) Special agents employed by a railroad or a public  
3 utility to perform police functions, and guards of armored  
4 car companies, while actually engaged in the performance of  
5 the duties of their employment or commuting between their  
6 homes and places of employment; and watchmen while actually  
7 engaged in the performance of the duties of their  
8 employment.

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

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

13 (6) Any person regularly employed in a commercial or  
14 industrial operation as a security guard for the protection  
15 of persons employed and private property related to such  
16 commercial or industrial operation, while actually engaged  
17 in the performance of his or her duty or traveling between  
18 sites or properties belonging to the employer, and who, as  
19 a security guard, is a member of a security force  
20 registered with the Department of Financial and  
21 Professional Regulation; provided that such security guard  
22 has successfully completed a course of study, approved by  
23 and supervised by the Department of Financial and  
24 Professional Regulation, consisting of not less than 40  
25 hours of training that includes the theory of law  
26 enforcement, liability for acts, and the handling of

1 weapons. A person shall be considered eligible for this  
2 exemption if he or she has completed the required 20 hours  
3 of training for a security officer and 20 hours of required  
4 firearm training, and has been issued a firearm control  
5 card by the Department of Financial and Professional  
6 Regulation. Conditions for the renewal of firearm control  
7 cards issued under the provisions of this Section shall be  
8 the same as for those cards issued under the provisions of  
9 the Private Detective, Private Alarm, Private Security,  
10 Fingerprint Vendor, and Locksmith Act of 2004. The firearm  
11 control card shall be carried by the security guard at all  
12 times when he or she is in possession of a concealable  
13 weapon permitted by his or her firearm control card.

14 (7) Agents and investigators of the Illinois  
15 Legislative Investigating Commission authorized by the  
16 Commission to carry the weapons specified in subsections  
17 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
18 any investigation for the Commission.

19 (8) Persons employed by a financial institution as a  
20 security guard for the protection of other employees and  
21 property related to such financial institution, while  
22 actually engaged in the performance of their duties,  
23 commuting between their homes and places of employment, or  
24 traveling between sites or properties owned or operated by  
25 such financial institution, and who, as a security guard,  
26 is a member of a security force registered with the



1 Department; provided that any person so employed has  
2 successfully completed a course of study, approved by and  
3 supervised by the Department of Financial and Professional  
4 Regulation, consisting of not less than 40 hours of  
5 training which includes theory of law enforcement,  
6 liability for acts, and the handling of weapons. A person  
7 shall be considered to be eligible for this exemption if he  
8 or she has completed the required 20 hours of training for  
9 a security officer and 20 hours of required firearm  
10 training, and has been issued a firearm control card by the  
11 Department of Financial and Professional Regulation.  
12 Conditions for renewal of firearm control cards issued  
13 under the provisions of this Section shall be the same as  
14 for those issued under the provisions of the Private  
15 Detective, Private Alarm, Private Security, Fingerprint  
16 Vendor, and Locksmith Act of 2004. The firearm control card  
17 shall be carried by the security guard at all times when he  
18 or she is in possession of a concealable weapon permitted  
19 by his or her firearm control card. For purposes of this  
20 subsection, "financial institution" means a bank, savings  
21 and loan association, credit union or company providing  
22 armored car services.

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

26 (10) Persons who have been classified as peace officers

1           pursuant to the Peace Officer Fire Investigation Act.

2           (11) Investigators of the Office of the State's  
3           Attorneys Appellate Prosecutor authorized by the board of  
4           governors of the Office of the State's Attorneys Appellate  
5           Prosecutor to carry weapons pursuant to Section 7.06 of the  
6           State's Attorneys Appellate Prosecutor's Act.

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

9           (12.5) Probation officers while in the performance of  
10          their duties, or while commuting between their homes,  
11          places of employment or specific locations that are part of  
12          their assigned duties, with the consent of the chief judge  
13          of the circuit for which they are employed, if they have  
14          received weapons training according to requirements of the  
15          Peace Officer and Probation Officer Firearm Training Act.

16          (13) Court Security Officers while in the performance  
17          of their official duties, or while commuting between their  
18          homes and places of employment, with the consent of the  
19          Sheriff.

20          (13.5) A person employed as an armed security guard at  
21          a nuclear energy, storage, weapons or development site or  
22          facility regulated by the Nuclear Regulatory Commission  
23          who has completed the background screening and training  
24          mandated by the rules and regulations of the Nuclear  
25          Regulatory Commission.

26          (14) Manufacture, transportation, or sale of weapons

1 to persons authorized under subdivisions (1) through  
2 (13.5) of this subsection to possess those weapons.

3 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply  
4 to or affect any person carrying a concealed pistol, revolver,  
5 or handgun and the person has been issued a currently valid  
6 license under the Firearm Concealed Carry Act at the time of  
7 the commission of the offense.

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

10 (1) Members of any club or organization organized for  
11 the purpose of practicing shooting at targets upon  
12 established target ranges, whether public or private, and  
13 patrons of such ranges, while such members or patrons are  
14 using their firearms on those target ranges.

15 (2) Duly authorized military or civil organizations  
16 while parading, with the special permission of the  
17 Governor.

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

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

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

26 (6) A non-resident active duty member of the United

1       States Armed Forces who:

2               (A) is eligible to possess and carry a firearm in  
3               public under the laws of his or her state or territory  
4               of residence;

5               (B) possesses a valid equivalent of an Illinois  
6               Firearm Owner's Identification Card issued by his or  
7               her state or territory of residence if required by his  
8               or her state or territory of residence;

9               (C) possesses valid military identification; and

10              (D) complies in the same manner as a licensee under  
11              the Firearm Concealed Carry Act with the prohibitions  
12              under Section 65 (prohibited areas) and subsection (d)  
13              of Section 70 (not under the influence) of that Act.

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

16              (1) Peace officers while in performance of their  
17 official duties.

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

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

24              (4) Manufacture, transportation, or sale of machine  
25 guns to persons authorized under subdivisions (1) through  
26 (3) of this subsection to possess machine guns, if the

1 machine guns are broken down in a non-functioning state or  
2 are not immediately accessible.

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

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

20 (6) The manufacture, transport, testing, delivery,  
21 transfer or sale, and all lawful commercial or experimental  
22 activities necessary thereto, of rifles, shotguns, and  
23 weapons made from rifles or shotguns, or ammunition for  
24 such rifles, shotguns or weapons, where engaged in by a  
25 person operating as a contractor or subcontractor pursuant  
26 to a contract or subcontract for the development and supply

1 of such rifles, shotguns, weapons or ammunition to the  
2 United States government or any branch of the Armed Forces  
3 of the United States, when such activities are necessary  
4 and incident to fulfilling the terms of such contract.

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

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

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

25 (e) Subsection 24-1(a)(8) does not apply to any owner,  
26 manager or authorized employee of any place specified in that

1 subsection nor to any law enforcement officer.

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

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

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

12 (2) Bonafide collectors of antique or surplus military  
13 ordnance ~~ordinance~~.

14 (3) Laboratories having a department of forensic  
15 ballistics, or specializing in the development of  
16 ammunition or explosive ordnance ~~ordinance~~.

17 (4) Commerce, preparation, assembly or possession of  
18 explosive bullets by manufacturers of ammunition licensed  
19 by the federal government, in connection with the supply of  
20 those organizations and persons exempted by subdivision  
21 (g)(1) of this Section, or like organizations and persons  
22 outside this State, or the transportation of explosive  
23 bullets to any organization or person exempted in this  
24 Section by a common carrier or by a vehicle owned or leased  
25 by an exempted manufacturer.

26 (g-5) Subsection 24-1(a)(6) does not apply to or affect

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

17 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
18 24-1.6 do not apply to or affect any parole agent or parole  
19 supervisor who meets the qualifications and conditions  
20 prescribed in Section 3-14-1.5 of the Unified Code of  
21 Corrections.

22 (g-7) Subsection 24-1(a)(6) does not apply to a peace  
23 officer while serving as a member of a tactical response team  
24 or special operations team. A peace officer may not personally  
25 own or apply for ownership of a device or attachment of any  
26 kind designed, used, or intended for use in silencing the



1 report of any firearm. These devices shall be owned and  
2 maintained by lawfully recognized units of government whose  
3 duties include the investigation of criminal acts.

4 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and  
5 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an  
6 athlete's possession, transport on official Olympic and  
7 Paralympic transit systems established for athletes, or use of  
8 competition firearms sanctioned by the International Olympic  
9 Committee, the International Paralympic Committee, the  
10 International Shooting Sport Federation, or USA Shooting in  
11 connection with such athlete's training for and participation  
12 in shooting competitions at the 2016 Olympic and Paralympic  
13 Games and sanctioned test events leading up to the 2016 Olympic  
14 and Paralympic Games.

15 (h) An information or indictment based upon a violation of  
16 any subsection of this Article need not negate any exemptions  
17 contained in this Article. The defendant shall have the burden  
18 of proving such an exemption.

19 (i) Nothing in this Article shall prohibit, apply to, or  
20 affect the transportation, carrying, or possession, of any  
21 pistol or revolver, stun gun, taser, or other firearm consigned  
22 to a common carrier operating under license of the State of  
23 Illinois or the federal government, where such transportation,  
24 carrying, or possession is incident to the lawful  
25 transportation in which such common carrier is engaged; and  
26 nothing in this Article shall prohibit, apply to, or affect the

1 transportation, carrying, or possession of any pistol,  
2 revolver, stun gun, taser, or other firearm, not the subject of  
3 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
4 this Article, which is unloaded and enclosed in a case, firearm  
5 carrying box, shipping box, or other container, by the  
6 possessor of a valid Firearm Owners Identification Card.

7 (Source: P.A. 98-63, eff. 7-9-13; 98-463, eff. 8-16-13; 98-725,  
8 eff. 1-1-15; 99-174, eff. 7-29-15; revised 10-6-16.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.