



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2858

by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

See Index

Creates the Peace Officer Accountability Act. Provides that before a peace officer is permitted to carry a firearm in the unit of government in which he or she is employed, the peace officer must either: (1) live in the unit of government in which he or she serves; or (2) complete 200 hours of specified work or training. Provides that the unit of government shall require each peace officer employed by the unit of government before entering upon the officer's duties to have a liability insurance policy. Provides that the public shall have access to all documents concerning promotions, which documents are subject to disclosure under the Freedom of Information Act. Provides that each peace officer, before discharging his or her duties as a peace officer, shall sign an affidavit declaring that he or she will report all unethical and unlawful conduct of other peace officers immediately to the internal affairs division of the department. Provides that the exclusive representative of a peace officer bargaining unit may not enter into a contract or collective bargaining agreement with the department that permits unconstitutional conduct by peace officers. Amends the Illinois Police Training Act. Provides that the minimum standards for police academies shall include 20 hours of race relations training, acquaintance with the youth residing in the unit of government in which the officers will serve, when discharging a firearm, the avoidance of the use of deadly force except when necessary to protect the life of the officer and on methods of using less than deadly force to disarm a suspect. Provides annual 20 hours of training of peace officers in race relations and constitutional methods of the use of force. Amends various other Acts to make conforming changes.

LRB100 06974 RLC 17025 b

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning criminal law.

2 WHEREAS, The United States Department of Justice has found
3 reasonable cause to believe that the Chicago Police Department
4 engages in a pattern or practice of using force, including
5 deadly force, in violation of the Fourth Amendment of the
6 United States Constitution; and

7 WHEREAS, The Department found that Chicago Police
8 Department officers' practices unnecessarily endanger
9 themselves and result in unnecessary and avoidable uses of
10 force; and

11 WHEREAS, The pattern or practice results from systemic
12 deficiencies in training and accountability, including the
13 failure to train officers in de-escalation and the failure to
14 conduct meaningful investigations of uses of force; and

15 WHEREAS, A law codifying the suggestions of the United
16 States Department of Justice for the Chicago Police Department
17 and applying to all police departments in this State could aid
18 in improving those departments; therefore

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

1 Section 1. Short title. This Act may be cited as the Peace
2 Officer Accountability Act.

3 Section 5. Definitions. As used in this Act:

4 "Department" means a municipal police department or office
5 of the county sheriff.

6 "Exclusive representative" has the meaning ascribed to it
7 in Section 3 of the Illinois Public Labor Relations Act.

8 "Liability insurance" means insurance on risks based upon
9 negligence by a peace officer.

10 "Peace officer" has the meaning ascribed to it in Section
11 2-13 of the Criminal Code of 2012.

12 "Unethical conduct" means non-criminal conduct that
13 violates department rules or procedures or violates ordinances
14 concerning peace officer conduct.

15 "Unit of government" means a municipality with respect to
16 peace officers employed by the municipality and the county with
17 respect to peace officers employed by the county sheriff.

18 "Unlawful conduct" means conduct that violates the penal
19 statutes of this State or criminal conduct proscribed by
20 ordinance of the unit of government.

21 Section 10. Peace officer firearms requirement. Before a
22 peace officer is permitted to carry a firearm in the unit of
23 government in which he or she is employed, the peace officer
24 must either:

1 (1) live in the unit of government in which he or she
2 serves; or

3 (2) complete either:

4 (A) 200 hours of volunteer work in the unit of
5 government in which he or she shall be serving; or

6 (B) 200 hours of specified training related to the unit
7 of government in which he or she shall be serving, or any
8 combination of volunteer work and training.

9 Section 15. Liability insurance. In addition to the
10 indemnity provided to peace officers by the unit of government
11 under Section 5-1002 of the Counties Code or under Section
12 1-4-5 or 1-4-6 of the Illinois Municipal Code, the unit of
13 government shall require each peace officer employed by the
14 unit of government before entering upon the officer's duties to
15 have a liability insurance policy to indemnify the unit of
16 government which employs the officer for any negligence
17 committed by the officer in the performance of his or her
18 duties.

19 Section 20. Promotions; transparency. Promotions of peace
20 officers shall be transparent. The public shall have access to
21 all documents concerning promotions, which documents are
22 subject to disclosure under the Freedom of Information Act.

23 Section 25. Peace officer report of unlawful and unethical

1 conduct to internal affairs. Each peace officer, before
2 discharging his or her duties as a peace officer, shall sign an
3 affidavit declaring that he or she will report all unethical
4 and unlawful conduct of other peace officers immediately to the
5 internal affairs division of the department. The affidavit
6 shall be a public record subject to disclosure under the
7 Freedom of Information Act.

8 Section 30. Unconstitutional contracts and collective
9 bargaining agreements prohibited. The exclusive representative
10 of a peace officer bargaining unit may not enter into a
11 contract or collective bargaining agreement with the
12 department that permits unconstitutional conduct by peace
13 officers.

14 Section 100. The Freedom of Information Act is amended by
15 changing Section 7.5 as follows:

16 (5 ILCS 140/7.5)

17 Sec. 7.5. Statutory exemptions. To the extent provided for
18 by the statutes referenced below, the following shall be exempt
19 from inspection and copying:

20 (a) All information determined to be confidential
21 under Section 4002 of the Technology Advancement and
22 Development Act.

23 (b) Library circulation and order records identifying

1 library users with specific materials under the Library
2 Records Confidentiality Act.

3 (c) Applications, related documents, and medical
4 records received by the Experimental Organ Transplantation
5 Procedures Board and any and all documents or other records
6 prepared by the Experimental Organ Transplantation
7 Procedures Board or its staff relating to applications it
8 has received.

9 (d) Information and records held by the Department of
10 Public Health and its authorized representatives relating
11 to known or suspected cases of sexually transmissible
12 disease or any information the disclosure of which is
13 restricted under the Illinois Sexually Transmissible
14 Disease Control Act.

15 (e) Information the disclosure of which is exempted
16 under Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of
18 the Architectural, Engineering, and Land Surveying
19 Qualifications Based Selection Act.

20 (g) Information the disclosure of which is restricted
21 and exempted under Section 50 of the Illinois Prepaid
22 Tuition Act.

23 (h) Information the disclosure of which is exempted
24 under the State Officials and Employees Ethics Act, and
25 records of any lawfully created State or local inspector
26 general's office that would be exempt if created or

1 obtained by an Executive Inspector General's office under
2 that Act.

3 (i) Information contained in a local emergency energy
4 plan submitted to a municipality in accordance with a local
5 emergency energy plan ordinance that is adopted under
6 Section 11-21.5-5 of the Illinois Municipal Code.

7 (j) Information and data concerning the distribution
8 of surcharge moneys collected and remitted by wireless
9 carriers under the Wireless Emergency Telephone Safety
10 Act.

11 (k) Law enforcement officer identification information
12 or driver identification information compiled by a law
13 enforcement agency or the Department of Transportation
14 under Section 11-212 of the Illinois Vehicle Code.

15 (l) Records and information provided to a residential
16 health care facility resident sexual assault and death
17 review team or the Executive Council under the Abuse
18 Prevention Review Team Act.

19 (m) Information provided to the predatory lending
20 database created pursuant to Article 3 of the Residential
21 Real Property Disclosure Act, except to the extent
22 authorized under that Article.

23 (n) Defense budgets and petitions for certification of
24 compensation and expenses for court appointed trial
25 counsel as provided under Sections 10 and 15 of the Capital
26 Crimes Litigation Act. This subsection (n) shall apply

1 until the conclusion of the trial of the case, even if the
2 prosecution chooses not to pursue the death penalty prior
3 to trial or sentencing.

4 (o) Information that is prohibited from being
5 disclosed under Section 4 of the Illinois Health and
6 Hazardous Substances Registry Act.

7 (p) Security portions of system safety program plans,
8 investigation reports, surveys, schedules, lists, data, or
9 information compiled, collected, or prepared by or for the
10 Regional Transportation Authority under Section 2.11 of
11 the Regional Transportation Authority Act or the St. Clair
12 County Transit District under the Bi-State Transit Safety
13 Act.

14 (q) Information prohibited from being disclosed by the
15 Personnel Records Review Act, except information required
16 to be disclosed under Section 20 of the Peace Officer
17 Accountability Act.

18 (r) Information prohibited from being disclosed by the
19 Illinois School Student Records Act.

20 (s) Information the disclosure of which is restricted
21 under Section 5-108 of the Public Utilities Act.

22 (t) All identified or deidentified health information
23 in the form of health data or medical records contained in,
24 stored in, submitted to, transferred by, or released from
25 the Illinois Health Information Exchange, and identified
26 or deidentified health information in the form of health

1 data and medical records of the Illinois Health Information
2 Exchange in the possession of the Illinois Health
3 Information Exchange Authority due to its administration
4 of the Illinois Health Information Exchange. The terms
5 "identified" and "deidentified" shall be given the same
6 meaning as in the Health Insurance Portability and
7 Accountability Act of 1996, Public Law 104-191, or any
8 subsequent amendments thereto, and any regulations
9 promulgated thereunder.

10 (u) Records and information provided to an independent
11 team of experts under Brian's Law.

12 (v) Names and information of people who have applied
13 for or received Firearm Owner's Identification Cards under
14 the Firearm Owners Identification Card Act or applied for
15 or received a concealed carry license under the Firearm
16 Concealed Carry Act, unless otherwise authorized by the
17 Firearm Concealed Carry Act; and databases under the
18 Firearm Concealed Carry Act, records of the Concealed Carry
19 Licensing Review Board under the Firearm Concealed Carry
20 Act, and law enforcement agency objections under the
21 Firearm Concealed Carry Act.

22 (w) Personally identifiable information which is
23 exempted from disclosure under subsection (g) of Section
24 19.1 of the Toll Highway Act.

25 (x) Information which is exempted from disclosure
26 under Section 5-1014.3 of the Counties Code or Section

1 8-11-21 of the Illinois Municipal Code.

2 (y) Confidential information under the Adult
3 Protective Services Act and its predecessor enabling
4 statute, the Elder Abuse and Neglect Act, including
5 information about the identity and administrative finding
6 against any caregiver of a verified and substantiated
7 decision of abuse, neglect, or financial exploitation of an
8 eligible adult maintained in the Registry established
9 under Section 7.5 of the Adult Protective Services Act.

10 (z) Records and information provided to a fatality
11 review team or the Illinois Fatality Review Team Advisory
12 Council under Section 15 of the Adult Protective Services
13 Act.

14 (aa) Information which is exempted from disclosure
15 under Section 2.37 of the Wildlife Code.

16 (bb) Information which is or was prohibited from
17 disclosure by the Juvenile Court Act of 1987.

18 (cc) Recordings made under the Law Enforcement
19 Officer-Worn Body Camera Act, except to the extent
20 authorized under that Act.

21 (dd) Information that is prohibited from being
22 disclosed under Section 45 of the Condominium and Common
23 Interest Community Ombudsperson Act.

24 (ee) ~~(dd)~~ Information that is exempted from disclosure
25 under Section 30.1 of the Pharmacy Practice Act.

26 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,

1 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;
2 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;
3 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.
4 8-19-16; revised 9-1-16.)

5 Section 105. The Illinois Public Labor Relations Act is
6 amended by changing Section 4 as follows:

7 (5 ILCS 315/4) (from Ch. 48, par. 1604)

8 (Text of Section WITHOUT the changes made by P.A. 98-599,
9 which has been held unconstitutional)

10 Sec. 4. Management Rights; Unconstitutional Peace Officer
11 Conduct. Employers shall not be required to bargain over
12 matters of inherent managerial policy, which shall include such
13 areas of discretion or policy as the functions of the employer,
14 standards of services, its overall budget, the organizational
15 structure and selection of new employees, examination
16 techniques and direction of employees. Employers, however,
17 shall be required to bargain collectively with regard to policy
18 matters directly affecting wages, hours and terms and
19 conditions of employment as well as the impact thereon upon
20 request by employee representatives.

21 The exclusive representative of a peace officer unit and an
22 employer may not bargain over matters that would permit peace
23 officer conduct that would violate the Constitution of the
24 United States or this State and any agreement that would permit

1 peace officer conduct that would violate the Constitution of
2 the United States or this State is void.

3 To preserve the rights of employers and exclusive
4 representatives which have established collective bargaining
5 relationships or negotiated collective bargaining agreements
6 prior to the effective date of this Act, employers shall be
7 required to bargain collectively with regard to any matter
8 concerning wages, hours or conditions of employment about which
9 they have bargained for and agreed to in a collective
10 bargaining agreement prior to the effective date of this Act.

11 The chief judge of the judicial circuit that employs a
12 public employee who is a court reporter, as defined in the
13 Court Reporters Act, has the authority to hire, appoint,
14 promote, evaluate, discipline, and discharge court reporters
15 within that judicial circuit.

16 Nothing in this amendatory Act of the 94th General Assembly
17 shall be construed to intrude upon the judicial functions of
18 any court. This amendatory Act of the 94th General Assembly
19 applies only to nonjudicial administrative matters relating to
20 the collective bargaining rights of court reporters.

21 (Source: P.A. 94-98, eff. 7-1-05.)

22 Section 110. The Illinois Police Training Act is amended by
23 changing Section 7 as follows:

24 (50 ILCS 705/7) (from Ch. 85, par. 507)

1 Sec. 7. Rules and standards for schools. The Board shall
2 adopt rules and minimum standards for such schools which shall
3 include but not be limited to the following:

4 a. The curriculum for probationary police officers
5 which shall be offered by all certified schools shall
6 include but not be limited to courses of procedural
7 justice, arrest and use and control tactics, search and
8 seizure, including temporary questioning, civil rights,
9 human rights, human relations, cultural competency,
10 including implicit bias and racial and ethnic sensitivity,
11 20 hours of race relations training, acquaintance with the
12 youth residing in the unit of government in which the
13 officers will serve, when discharging a firearm, the
14 avoidance of the use of deadly force except when necessary
15 to protect the life of the officer and on methods of using
16 less than deadly force to disarm a suspect, criminal law,
17 law of criminal procedure, constitutional and proper use of
18 law enforcement authority, vehicle and traffic law
19 including uniform and non-discriminatory enforcement of
20 the Illinois Vehicle Code, traffic control and accident
21 investigation, techniques of obtaining physical evidence,
22 court testimonies, statements, reports, firearms training,
23 training in the use of electronic control devices,
24 including the psychological and physiological effects of
25 the use of those devices on humans, first-aid (including
26 cardiopulmonary resuscitation), training in the

1 administration of opioid antagonists as defined in
2 paragraph (1) of subsection (e) of Section 5-23 of the
3 Alcoholism and Other Drug Abuse and Dependency Act,
4 handling of juvenile offenders, recognition of mental
5 conditions, including, but not limited to, the disease of
6 addiction, which require immediate assistance and methods
7 to safeguard and provide assistance to a person in need of
8 mental treatment, recognition of abuse, neglect, financial
9 exploitation, and self-neglect of adults with disabilities
10 and older adults, as defined in Section 2 of the Adult
11 Protective Services Act, crimes against the elderly, law of
12 evidence, the hazards of high-speed police vehicle chases
13 with an emphasis on alternatives to the high-speed chase,
14 and physical training. The curriculum shall include
15 specific training in techniques for immediate response to
16 and investigation of cases of domestic violence and of
17 sexual assault of adults and children, including cultural
18 perceptions and common myths of sexual assault and sexual
19 abuse as well as interview techniques that are trauma
20 informed, victim centered, and victim sensitive. The
21 curriculum shall include training in techniques designed
22 to promote effective communication at the initial contact
23 with crime victims and ways to comprehensively explain to
24 victims and witnesses their rights under the Rights of
25 Crime Victims and Witnesses Act and the Crime Victims
26 Compensation Act. The curriculum shall also include a block

1 of instruction aimed at identifying and interacting with
2 persons with autism and other developmental or physical
3 disabilities, reducing barriers to reporting crimes
4 against persons with autism, and addressing the unique
5 challenges presented by cases involving victims or
6 witnesses with autism and other developmental
7 disabilities. The curriculum for permanent police officers
8 shall include but not be limited to (1) refresher and
9 in-service training in any of the courses listed above in
10 this subparagraph, (2) advanced courses in any of the
11 subjects listed above in this subparagraph, (3) training
12 for supervisory personnel, and (4) specialized training in
13 subjects and fields to be selected by the board. The
14 training in the use of electronic control devices shall be
15 conducted for probationary police officers, including
16 University police officers.

17 b. Minimum courses of study, attendance requirements
18 and equipment requirements.

19 c. Minimum requirements for instructors.

20 d. Minimum basic training requirements, which a
21 probationary police officer must satisfactorily complete
22 before being eligible for permanent employment as a local
23 law enforcement officer for a participating local
24 governmental agency. Those requirements shall include
25 training in first aid (including cardiopulmonary
26 resuscitation).

1 e. Minimum basic training requirements, which a
2 probationary county corrections officer must
3 satisfactorily complete before being eligible for
4 permanent employment as a county corrections officer for a
5 participating local governmental agency.

6 f. Minimum basic training requirements which a
7 probationary court security officer must satisfactorily
8 complete before being eligible for permanent employment as
9 a court security officer for a participating local
10 governmental agency. The Board shall establish those
11 training requirements which it considers appropriate for
12 court security officers and shall certify schools to
13 conduct that training.

14 A person hired to serve as a court security officer
15 must obtain from the Board a certificate (i) attesting to
16 his or her successful completion of the training course;
17 (ii) attesting to his or her satisfactory completion of a
18 training program of similar content and number of hours
19 that has been found acceptable by the Board under the
20 provisions of this Act; or (iii) attesting to the Board's
21 determination that the training course is unnecessary
22 because of the person's extensive prior law enforcement
23 experience.

24 Individuals who currently serve as court security
25 officers shall be deemed qualified to continue to serve in
26 that capacity so long as they are certified as provided by

1 this Act within 24 months of June 1, 1997 (the effective
2 date of Public Act 89-685). Failure to be so certified,
3 absent a waiver from the Board, shall cause the officer to
4 forfeit his or her position.

5 All individuals hired as court security officers on or
6 after the effective date of this amendatory Act of 1996
7 shall be certified within 12 months of the date of their
8 hire, unless a waiver has been obtained by the Board, or
9 they shall forfeit their positions.

10 The Sheriff's Merit Commission, if one exists, or the
11 Sheriff's Office if there is no Sheriff's Merit Commission,
12 shall maintain a list of all individuals who have filed
13 applications to become court security officers and who meet
14 the eligibility requirements established under this Act.
15 Either the Sheriff's Merit Commission, or the Sheriff's
16 Office if no Sheriff's Merit Commission exists, shall
17 establish a schedule of reasonable intervals for
18 verification of the applicants' qualifications under this
19 Act and as established by the Board.

20 g. Minimum in-service training requirements, which a
21 police officer must satisfactorily complete every 3 years.
22 Those requirements shall include constitutional and proper
23 use of law enforcement authority, procedural justice,
24 civil rights, human rights, and cultural competency.

25 h. Minimum in-service training requirements, which a
26 police officer must satisfactorily complete at least

1 annually. Those requirements shall include 20 hours of race
2 relations training, constitutional methods of the use of
3 force, law updates and use of force training which shall
4 include scenario based training, or similar training
5 approved by the Board.

6 (Source: P.A. 98-49, eff. 7-1-13; 98-358, eff. 1-1-14; 98-463,
7 eff. 8-16-13; 98-756, eff. 7-16-14; 99-352, eff. 1-1-16;
8 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 99-801, eff.
9 1-1-17.)

10 Section 115. The Criminal Code of 2012 is amended by
11 changing Section 24-2 as follows:

12 (720 ILCS 5/24-2)

13 Sec. 24-2. Exemptions.

14 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
15 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
16 the following:

17 (1) Peace officers, and any person summoned by a peace
18 officer to assist in making arrests or preserving the
19 peace, while actually engaged in assisting such officer,
20 subject to the provisions of Section 10 of the Peace
21 Officer Accountability Act.

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

1 while in the performance of their official duty, or while
2 commuting between their homes and places of employment.

3 (3) Members of the Armed Services or Reserve Forces of
4 the United States or the Illinois National Guard or the
5 Reserve Officers Training Corps, while in the performance
6 of their official duty.

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

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

1 contractor, private detective, or private alarm
2 contractor, or employee of a licensed private security
3 contractor, private detective, or private alarm contractor
4 agency and 20 hours of required firearm training, and has
5 been issued a firearm control card by the Department of
6 Financial and Professional Regulation. Conditions for the
7 renewal of firearm control cards issued under the
8 provisions of this Section shall be the same as for those
9 cards issued under the provisions of the Private Detective,
10 Private Alarm, Private Security, Fingerprint Vendor, and
11 Locksmith Act of 2004. The firearm control card shall be
12 carried by the private security contractor, private
13 detective, or private alarm contractor, or employee of the
14 licensed private security contractor, private detective,
15 or private alarm contractor agency at all times when he or
16 she is in possession of a concealable weapon permitted by
17 his or her firearm control card.

18 (6) Any person regularly employed in a commercial or
19 industrial operation as a security guard for the protection
20 of persons employed and private property related to such
21 commercial or industrial operation, while actually engaged
22 in the performance of his or her duty or traveling between
23 sites or properties belonging to the employer, and who, as
24 a security guard, is a member of a security force
25 registered with the Department of Financial and
26 Professional Regulation; provided that such security guard

1 has successfully completed a course of study, approved by
2 and supervised by the Department of Financial and
3 Professional Regulation, consisting of not less than 40
4 hours of training that includes the theory of law
5 enforcement, liability for acts, and the handling of
6 weapons. A person shall be considered eligible for this
7 exemption if he or she has completed the required 20 hours
8 of training for a security officer and 20 hours of required
9 firearm training, and has been issued a firearm control
10 card by the Department of Financial and Professional
11 Regulation. Conditions for the renewal of firearm control
12 cards issued under the provisions of this Section shall be
13 the same as for those cards issued under the provisions of
14 the Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
16 control card shall be carried by the security guard at all
17 times when he or she is in possession of a concealable
18 weapon permitted by his or her firearm control card.

19 (7) Agents and investigators of the Illinois
20 Legislative Investigating Commission authorized by the
21 Commission to carry the weapons specified in subsections
22 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
23 any investigation for the Commission.

24 (8) Persons employed by a financial institution as a
25 security guard for the protection of other employees and
26 property related to such financial institution, while

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

1 armored car services.

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

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

7 (11) Investigators of the Office of the State's
8 Attorneys Appellate Prosecutor authorized by the board of
9 governors of the Office of the State's Attorneys Appellate
10 Prosecutor to carry weapons pursuant to Section 7.06 of the
11 State's Attorneys Appellate Prosecutor's Act.

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

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

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

25 (13.5) A person employed as an armed security guard at
26 a nuclear energy, storage, weapons or development site or

1 facility regulated by the Nuclear Regulatory Commission
2 who has completed the background screening and training
3 mandated by the rules and regulations of the Nuclear
4 Regulatory Commission.

5 (14) Manufacture, transportation, or sale of weapons
6 to persons authorized under subdivisions (1) through
7 (13.5) of this subsection to possess those weapons.

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

13 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
14 24-1.6 do not apply to or affect any of the following:

15 (1) Members of any club or organization organized for
16 the purpose of practicing shooting at targets upon
17 established target ranges, whether public or private, and
18 patrons of such ranges, while such members or patrons are
19 using their firearms on those target ranges.

20 (2) Duly authorized military or civil organizations
21 while parading, with the special permission of the
22 Governor.

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

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

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

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

7 (1) Peace officers while in performance of their
8 official duties.

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

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

15 (4) Manufacture, transportation, or sale of machine
16 guns to persons authorized under subdivisions (1) through
17 (3) of this subsection to possess machine guns, if the
18 machine guns are broken down in a non-functioning state or
19 are not immediately accessible.

20 (5) Persons licensed under federal law to manufacture
21 any weapon from which 8 or more shots or bullets can be
22 discharged by a single function of the firing device, or
23 ammunition for such weapons, and actually engaged in the
24 business of manufacturing such weapons or ammunition, but
25 only with respect to activities which are within the lawful
26 scope of such business, such as the manufacture,

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

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

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

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

1 incident to fulfilling the terms of such contract.

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

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

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

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

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

26 (1) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in
2 the performance of their official duty.

3 (2) Bonafide collectors of antique or surplus military
4 ordnance ~~ordinance~~.

5 (3) Laboratories having a department of forensic
6 ballistics, or specializing in the development of
7 ammunition or explosive ordnance ~~ordinance~~.

8 (4) Commerce, preparation, assembly or possession of
9 explosive bullets by manufacturers of ammunition licensed
10 by the federal government, in connection with the supply of
11 those organizations and persons exempted by subdivision
12 (g)(1) of this Section, or like organizations and persons
13 outside this State, or the transportation of explosive
14 bullets to any organization or person exempted in this
15 Section by a common carrier or by a vehicle owned or leased
16 by an exempted manufacturer.

17 (g-5) Subsection 24-1(a)(6) does not apply to or affect
18 persons licensed under federal law to manufacture any device or
19 attachment of any kind designed, used, or intended for use in
20 silencing the report of any firearm, firearms, or ammunition
21 for those firearms equipped with those devices, and actually
22 engaged in the business of manufacturing those devices,
23 firearms, or ammunition, but only with respect to activities
24 that are within the lawful scope of that business, such as the
25 manufacture, transportation, or testing of those devices,
26 firearms, or ammunition. This exemption does not authorize the

1 general private possession of any device or attachment of any
2 kind designed, used, or intended for use in silencing the
3 report of any firearm, but only such possession and activities
4 as are within the lawful scope of a licensed manufacturing
5 business described in this subsection (g-5). During
6 transportation, these devices shall be detached from any weapon
7 or not immediately accessible.

8 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
9 24-1.6 do not apply to or affect any parole agent or parole
10 supervisor who meets the qualifications and conditions
11 prescribed in Section 3-14-1.5 of the Unified Code of
12 Corrections.

13 (g-7) Subsection 24-1(a)(6) does not apply to a peace
14 officer while serving as a member of a tactical response team
15 or special operations team. A peace officer may not personally
16 own or apply for ownership of a device or attachment of any
17 kind designed, used, or intended for use in silencing the
18 report of any firearm. These devices shall be owned and
19 maintained by lawfully recognized units of government whose
20 duties include the investigation of criminal acts.

21 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
22 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
23 athlete's possession, transport on official Olympic and
24 Paralympic transit systems established for athletes, or use of
25 competition firearms sanctioned by the International Olympic
26 Committee, the International Paralympic Committee, the

1 International Shooting Sport Federation, or USA Shooting in
2 connection with such athlete's training for and participation
3 in shooting competitions at the 2016 Olympic and Paralympic
4 Games and sanctioned test events leading up to the 2016 Olympic
5 and Paralympic Games.

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

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

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

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 140/7.5

5 5 ILCS 315/4 from Ch. 48, par. 1604

6 50 ILCS 705/7 from Ch. 85, par. 507

7 720 ILCS 5/24-2