

SB2165



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2165

Introduced 2/26/2021, by Sen. Neil Anderson

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2

Amends the Criminal Code of 2012. Provides that full-time, sworn, compensated fire fighters are permitted to carry a pistol, revolver, stun gun, taser, or other firearm on his or her person in public or in a vehicle, if the fire fighter has a valid concealed carry license, is carrying on duty, and has been approved to carry on duty by the mayor, city council, village president, or village board of trustees.

LRB102 14314 KMF 19666 b

A BILL FOR

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

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

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

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

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

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

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

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

25 (10) Persons who have been classified as peace
26 officers pursuant to the Peace Officer Fire Investigation

1 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
6 the 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
12 of their assigned duties, with the consent of the chief
13 judge of the circuit for which they are employed, if they
14 have received weapons training according to requirements
15 of the Peace Officer and Probation Officer Firearm
16 Training Act.

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

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

1 (14) Manufacture, transportation, or sale of weapons
2 to persons authorized under subdivisions (1) through
3 (13.5) of this subsection to possess those weapons.

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

9 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
10 to or affect a qualified current or retired law enforcement
11 officer qualified under the laws of this State or under the
12 federal Law Enforcement Officers Safety Act.

13 (a-10) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
14 to fire fighters who are (1) full-time, sworn, and
15 compensated; (2) have a valid concealed carry license; (3)
16 carry on duty; and (4) are approved to carry on duty by the
17 mayor, city council, village president, or village board of
18 trustees.

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

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

26 (2) Duly authorized military or civil organizations

1 while parading, with the special permission of the
2 Governor.

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

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

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

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

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

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

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

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

26 (5) Persons licensed under federal law to manufacture

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

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

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

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

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

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

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

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

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

11 (2) Bonafide collectors of antique or surplus military
12 ordnance.

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

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

25 (g-5) Subsection 24-1(a)(6) does not apply to or affect
26 persons licensed under federal law to manufacture any device

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

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

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

1 maintained by lawfully recognized units of government whose
2 duties include the investigation of criminal acts.

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

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

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

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

7 (Source: P.A. 100-201, eff. 8-18-17; 101-80, eff. 7-12-19.)