

# SB2264



## 102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2264

Introduced 2/26/2021, by Sen. Chapin Rose

### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2  
730 ILCS 5/3-2-13 new  
730 ILCS 125/26.1 new

Amends the Criminal Code of 2012, the Unified Code of Corrections, and the County Jail Act. Permits currently employed and retired State correctional officers and county correctional officers to carry their own firearms off duty without being in violation of the unlawful use of weapons and aggravated unlawful use of a weapon statutes if they meet certain training requirements. Deletes language regarding the use of firearms by athletes at the 2016 Olympic and Paralympic Games.

LRB102 15685 RLC 21049 b

A BILL FOR

1 AN ACT concerning correctional officers.

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          (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  
26               a 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  
4           person's 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  
26          lawful 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  
13 experimental activities necessary thereto, of rifles,  
14 shotguns, and weapons made from rifles or shotguns, or  
15 ammunition for such rifles, shotguns or weapons, where  
16 engaged in by a person operating as a contractor or  
17 subcontractor pursuant to a contract or subcontract for  
18 the development and supply of such rifles, shotguns,  
19 weapons or ammunition to the United States government or  
20 any branch of the Armed Forces of the United States, when  
21 such activities are necessary and incident to fulfilling  
22 the terms of such contract.

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

1 such weapon, weapons or ammunition are necessary and  
2 incident to fulfilling the terms of such contract.

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

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

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

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

26 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply

1 to:

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

5 (2) Bonafide collectors of antique or surplus military  
6 ordnance.

7 (3) Laboratories having a department of forensic  
8 ballistics, or specializing in the development of  
9 ammunition or explosive ordnance.

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

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

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

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

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

23 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
24 24-1.6 do not apply to or affect any currently employed or  
25 retired:

26 (1) State correctional officer who meets the

1 qualifications and conditions prescribed in Section 3-2-13  
2 of the Unified Code of Corrections; or

3 (2) county correctional officer who meets the  
4 qualifications and conditions prescribed in Section 26.1  
5 of the County Jail Act.

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

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

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

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

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

11 Section 10. The Unified Code of Corrections is amended by  
12 adding Section 3-2-13 as follows:

13 (730 ILCS 5/3-2-13 new)

14 Sec. 3-2-13. State correctional officers; off-duty  
15 firearms.

16 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
17 24-1.6 of the Criminal Code of 2012 do not apply to currently  
18 employed or retired State correctional officers who meet the  
19 following conditions:

20 (1) The currently employed or retired State  
21 correctional officer must be at least 21 years of age and  
22 possess a valid Firearm Owner's Identification Card as  
23 prescribed in the Firearm Owners Identification Card Act,  
24 receive training in the use of firearms while off duty

1 conducted by the Illinois Law Enforcement Training  
2 Standards Board, and be certified as successfully  
3 completing the training by the Board. The Board shall  
4 determine the amount of the training and the course  
5 content for the training. The currently employed or  
6 retired State correctional officer shall requalify for the  
7 firearms training annually at a State range certified by  
8 the Illinois Law Enforcement Training Standards Board. The  
9 expenses of the retraining shall be paid by the currently  
10 employed or retired State correctional officer and moneys  
11 for the costs of the requalification shall be expended at  
12 the request of the Illinois Law Enforcement Training  
13 Standards Board.

14 (2) The currently employed or retired State  
15 correctional officer shall purchase the firearm at his or  
16 her own expense and shall register the firearm with the  
17 Illinois State Police and with any other local law  
18 enforcement agencies that require the registration.

19 (3) The currently employed or retired State  
20 correctional officer may not carry any Illinois Department  
21 of Corrections or Department of Juvenile Justice  
22 State-issued firearm while off duty. A person who violates  
23 this paragraph (3) is subject to disciplinary action by  
24 the Illinois Department of Corrections or the Department  
25 of Juvenile Justice.

26 (4) State correctional officers who are or were



1 discharged from employment by the Illinois Department of  
2 Corrections or the Department of Juvenile Justice for  
3 cause shall no longer be considered law enforcement  
4 officials and all their rights as law enforcement  
5 officials shall be revoked permanently, unless employed  
6 thereafter by the Department of Corrections or the  
7 Department of Juvenile Justice.

8 (b) As used in this Section, "State correctional officer"  
9 means an employee of the Department of Corrections or the  
10 Department of Juvenile Justice who has custody and control  
11 over inmates in an adult or juvenile correctional facility.

12 Section 15. The County Jail Act is amended by adding  
13 Section 26.1 as follows:

14 (730 ILCS 125/26.1 new)

15 Sec. 26.1. County correctional officers; off-duty  
16 firearms.

17 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
18 24-1.6 of the Criminal Code of 2012 do not apply to currently  
19 employed or retired county correctional officers who meet the  
20 following conditions:

21 (1) The currently employed or retired county  
22 correctional officer must be at least 21 years of age and  
23 possess a valid Firearm Owner's Identification Card as  
24 prescribed in the Firearm Owners Identification Card Act,

1 receive training in the use of firearms while off duty  
2 conducted by the Illinois Law Enforcement Training  
3 Standards Board, and be certified as successfully  
4 completing the training by the Board. The Board shall  
5 determine the amount of the training and the course  
6 content for the training. The currently employed or  
7 retired county correctional officer shall requalify for  
8 the firearms training annually at a State range certified  
9 by the Illinois Law Enforcement Training Standards Board.  
10 The expenses of the retraining shall be paid by the  
11 currently employed or retired county correctional officer  
12 and moneys for the costs of the requalification shall be  
13 expended at the request of the Illinois Law Enforcement  
14 Training Standards Board.

15 (2) The currently employed or retired county  
16 correctional officer shall purchase the firearm at his or  
17 her own expense and shall register the firearm with the  
18 Illinois State Police and with any other local law  
19 enforcement agencies that require the registration.

20 (3) The currently employed or retired county  
21 correctional officer may not carry any county  
22 sheriff-issued firearm while off duty. A person who  
23 violates this paragraph (3) is subject to disciplinary  
24 action by the county sheriff.

25 (4) County correctional officers who are or were  
26 discharged from employment by a county sheriff for cause

1       shall no longer be considered law enforcement officials  
2       and all their rights as law enforcement officials shall be  
3       revoked permanently, unless employed thereafter by a  
4       county sheriff.

5       (b) As used in this Section, "county correctional officer"  
6       means an employee of the county who has custody and control  
7       over inmates in a county jail or juvenile detention center.