



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3238

Introduced 2/17/2023, by Rep. Maura Hirschauer

SYNOPSIS AS INTRODUCED:

720 ILCS 5/Art. 33H heading new
720 ILCS 5/33H-5 new

Amends the Criminal Code of 2012. Provides that, with certain exceptions, it is unlawful for any person within the State to knowingly manufacture, deliver, sell, import, or purchase or cause to be manufactured, delivered, sold, imported, or purchased by another, an armor plate, body armor, or military helmet. Provides that, with certain exceptions, beginning January 1, 2024, it is unlawful for any person within this State to knowingly possess an armor plate, body armor, or military helmet. Provides that this provision does not apply to a person's possession of an armor plate, body armor, or military helmet if the person lawfully possessed that armor plate, body armor, or military helmet prohibited by this provision, if the person has provided in an endorsement affidavit, within 6 months after the effective date of the amendatory Act, under oath or affirmation and in the form and manner prescribed by the Illinois State Police: (1) an affirmation that the affiant: (i) possessed an armor plate, body armor, or military helmet before the effective date of the amendatory Act; or (ii) inherited the armor plate, body armor, or military helmet from a person with an endorsement or from a person authorized to possess the armor plate, body armor, or military helmet possessed by the affiant prior to the effective date of the amendatory Act. Provides exemptions. Provides that a violation of these provisions is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

LRB103 25612 RLC 51961 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by adding
5 Article 33H as follows:

6 (720 ILCS 5/Art. 33H heading new)

7 ARTICLE 33H. ARMOR PLATES, BODY ARMOR, AND MILITARY HELMETS

8 (720 ILCS 5/33H-5 new)

9 Sec. 33H-5. Armor plates, body armor, and military helmets
10 prohibited; exceptions.

11 (a) In this Section:

12 "Armor plate" means a protective armored plate inserted
13 into a carrier or bulletproof vest, that can be used
14 stand-alone, or in conjunction with other armor.

15 "Body armor" has the meaning ascribed to it in Section
16 33F-1.

17 "Military helmet" means a piece of personal armor designed
18 specifically to protect the head during combat.

19 (b) Except as provided in subsections (c), (d), and (e),
20 on or after the effective date of this amendatory Act of the
21 103rd General Assembly, it is unlawful for any person within
22 this State to knowingly manufacture, deliver, sell, import, or

1 purchase or cause to be manufactured, delivered, sold,
2 imported, or purchased by another, an armor plate, body armor,
3 or military helmet.

4 (c) Except as otherwise provided in subsection (d),
5 beginning January 1, 2024, it is unlawful for any person
6 within this State to knowingly possess an armor plate, body
7 armor, or military helmet.

8 (d) This Section does not apply to a person's possession
9 of an armor plate, body armor, or military helmet if the person
10 lawfully possessed that armor plate, body armor, or military
11 helmet prohibited by subsection (c), if the person has
12 provided in an endorsement affidavit, within 6 months after
13 the effective date of this amendatory Act of the 103rd General
14 Assembly, under oath or affirmation and in the form and manner
15 prescribed by the Illinois State Police:

16 (1) an affirmation that the affiant:

17 (A) possessed an armor plate, body armor, or
18 military helmet before the effective date of this
19 amendatory Act of the 103rd General Assembly; or

20 (B) inherited the armor plate, body armor, or
21 military helmet from a person with an endorsement
22 under this Section or from a person authorized under
23 subdivisions (1) through (5) of subsection (e) to
24 possess the armor plate, body armor, or military
25 helmet possessed by the affiant prior to the effective
26 date of this amendatory Act of the 103rd General

1 Assembly.

2 (2) The affidavit form shall include the following
3 statement printed in bold type: "Warning: Entering false
4 information on this form is punishable as perjury under
5 Section 32-2 of the Criminal Code of 2012." In any
6 administrative, civil, or criminal proceeding in this
7 State, a completed endorsement affidavit submitted to the
8 Illinois State Police by a person under this Section
9 creates a rebuttable presumption that the person is
10 entitled to possess and transport the armor plate, body
11 armor, or military helmet. Beginning 90 days after the
12 effective date of this amendatory Act of the 103rd General
13 Assembly, a person authorized under this Section to
14 possess an armor plate, body armor, or military helmet
15 shall possess such items only:

16 (A) on private property owned or immediately
17 controlled by the person; or

18 (B) on private property that is not open to the
19 public with the express permission of the person who
20 owns or immediately controls such property.

21 Beginning on January 1, 2024, the person with the
22 endorsement for an armor plate, body armor, or military helmet
23 may transfer the armor plate, body armor, or military helmet
24 only to an heir or an individual residing in another state
25 maintaining it in another state. Within 10 days after transfer
26 of the armor plate, body armor, or military helmet except to an

1 heir, the person shall notify the Illinois State Police of the
2 name and address of the transferee. The person to whom the
3 armor plate, body armor, or military helmet is transferred
4 shall, within 60 days of the transfer, complete an affidavit
5 required under this Section. Except as provided in subsection
6 (e), a person to whom the armor plate, body armor, or military
7 helmet is transferred may transfer it only as provided in this
8 subsection.

9 Notwithstanding any other law, information contained
10 in the endorsement affidavit shall be confidential, is
11 exempt from disclosure under the Freedom of Information
12 Act, and shall not be disclosed, except to law enforcement
13 agencies acting in the performance of their duties.

14 (e) The provisions of this Section regarding the purchase
15 or possession of armor plate, body armor, or military helmet,
16 and the provisions of this Section that prohibit causing those
17 items to be purchased or possessed, do not apply to:

18 (1) Peace officers, as defined in Section 2-13 of this
19 Code.

20 (2) Qualified law enforcement officers and qualified
21 retired law enforcement officers as defined in the Law
22 Enforcement Officers Safety Act of 2004 (18 U.S.C. 926B
23 and 926C) and as recognized under Illinois law.

24 (3) Acquisition and possession by a federal, State, or
25 local law enforcement agency for the purpose of equipping
26 the agency's peace officers as defined in paragraph (1) or

1 (2) of this subsection (e).

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

5 (5) Members of the Armed Services or Reserve Forces of
6 the United States or the Illinois National Guard, while
7 performing their official duties or while traveling to or
8 from their places of duty.

9 (6) Any company that employs armed security officers
10 in this State at a nuclear energy, storage, weapons, or
11 development site or facility regulated by the federal
12 Nuclear Regulatory Commission and any person employed as
13 an armed security force member at a nuclear energy,
14 storage, weapons, or development site or facility
15 regulated by the federal Nuclear Regulatory Commission who
16 has completed the background screening and training
17 mandated by the rules and regulations of the federal
18 Nuclear Regulatory Commission and while performing
19 official duties.

20 (7) Any private security contractor agency licensed
21 under the Private Detective, Private Alarm, Private
22 Security, Fingerprint Vendor, and Locksmith Act of 2004
23 that employs private security contractors and any private
24 security contractor who is licensed and has been issued a
25 firearm control card under the Private Detective, Private
26 Alarm, Private Security, Fingerprint Vendor, and Locksmith

1 Act of 2004 while performing official duties. The
2 provisions of this Section do not apply to the
3 manufacture, delivery, sale, import, purchase, or
4 possession of an armor plate, body armor, or military
5 helmet or causing the manufacture, delivery, sale,
6 importation, purchase, or possession of those items:

7 (A) for sale or transfer to persons authorized
8 under subdivisions (1) through (7) of this subsection
9 (e) to possess those items;

10 (B) for sale or transfer to the United States or
11 any department or agency thereof; or

12 (C) for sale or transfer in another state or for
13 export.

14 (f) This Section does not apply to or affect any of the
15 following:

16 (1) Any nonresident who transports, within 24 hours,
17 an armor plate, body armor, or military helmet for any
18 lawful purpose from any place where the nonresident may
19 lawfully possess and carry that armor plate, body armor,
20 or military helmet to any other place where the
21 nonresident may lawfully possess and carry that armor
22 plate, body armor, or military helmet if, during the
23 transportation, the armor plate, body armor, or military
24 helmet being transported is not readily accessible.

25 (2) The manufacture, transportation, possession, sale,
26 or rental of armor plates, body armor, or military helmets

1 to persons authorized or permitted, or both authorized and
2 permitted, to acquire and possess these armor plates, body
3 armor, or military helmets for the purpose of rental for
4 use solely as props for a motion picture, television, or
5 video production or entertainment event. Any person not
6 subject to this Section may submit an endorsement
7 affidavit if the person chooses.

8 (g) The Department of the State Police shall also develop
9 and implement a public notice and public outreach campaign to
10 promote awareness about the provisions of this amendatory Act
11 of the 103rd General Assembly and to increase compliance with
12 this Section.

13 (h) Sentence. A violation of this Section is a Class A
14 misdemeanor for a first offense and a Class 4 felony for a
15 second or subsequent offense.