



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4761

Introduced 2/6/2024, by Rep. Adam M. Niemerg

SYNOPSIS AS INTRODUCED:

430 ILCS 65/2
720 ILCS 5/24-2

from Ch. 38, par. 83-2

Amends the Firearm Owners Identification Card Act. Provides that a veteran may acquire or possess a firearm, firearm ammunition, a stun gun, or taser without having in his or her possession a Firearm Owner's Identification Card. Amends the Criminal Code of 2012. Provides that the unlawful use of weapons provisions and aggravated unlawful use of a weapon provisions restricting the carrying of firearms do not apply to veterans. Defines "veteran" as a person who has served in the Armed Forces of the United States or the Illinois National Guard and was discharged or separated under honorable conditions.

LRB103 36598 RLC 66707 b

1 AN ACT concerning safety.

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

4 Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 2 as follows:

6 (430 ILCS 65/2) (from Ch. 38, par. 83-2)

7 Sec. 2. Firearm Owner's Identification Card required;
8 exceptions.

9 (a) (1) No person may acquire or possess any firearm, stun
10 gun, or taser within this State without having in his or her
11 possession a Firearm Owner's Identification Card previously
12 issued in his or her name by the Illinois State Police under
13 the provisions of this Act.

14 (2) No person may acquire or possess firearm ammunition
15 within this State without having in his or her possession a
16 Firearm Owner's Identification Card previously issued in his
17 or her name by the Illinois State Police under the provisions
18 of this Act.

19 (b) The provisions of this Section regarding the
20 possession of firearms, firearm ammunition, stun guns, and
21 tasers do not apply to:

22 (1) United States Marshals, while engaged in the
23 operation of their official duties;

1 (2) Members of the Armed Forces of the United States
2 or the National Guard, while engaged in the operation of
3 their official duties;

4 (3) Federal officials required to carry firearms,
5 while engaged in the operation of their official duties;

6 (4) Members of bona fide veterans organizations which
7 receive firearms directly from the armed forces of the
8 United States, while using the firearms for ceremonial
9 purposes with blank ammunition;

10 (5) Nonresident hunters during hunting season, with
11 valid nonresident hunting licenses and while in an area
12 where hunting is permitted; however, at all other times
13 and in all other places these persons must have their
14 firearms unloaded and enclosed in a case;

15 (6) Those hunters exempt from obtaining a hunting
16 license who are required to submit their Firearm Owner's
17 Identification Card when hunting on Department of Natural
18 Resources owned or managed sites;

19 (7) Nonresidents while on a firing or shooting range
20 recognized by the Illinois State Police; however, these
21 persons must at all other times and in all other places
22 have their firearms unloaded and enclosed in a case;

23 (8) Nonresidents while at a firearm showing or display
24 recognized by the Illinois State Police; however, at all
25 other times and in all other places these persons must
26 have their firearms unloaded and enclosed in a case;

1 (9) Nonresidents whose firearms are unloaded and
2 enclosed in a case;

3 (10) Nonresidents who are currently licensed or
4 registered to possess a firearm in their resident state;

5 (11) Unemancipated minors while in the custody and
6 immediate control of their parent or legal guardian or
7 other person in loco parentis to the minor if the parent or
8 legal guardian or other person in loco parentis to the
9 minor has a currently valid Firearm Owner's Identification
10 Card;

11 (12) Color guards of bona fide veterans organizations
12 or members of bona fide American Legion bands while using
13 firearms for ceremonial purposes with blank ammunition;

14 (13) Nonresident hunters whose state of residence does
15 not require them to be licensed or registered to possess a
16 firearm and only during hunting season, with valid hunting
17 licenses, while accompanied by, and using a firearm owned
18 by, a person who possesses a valid Firearm Owner's
19 Identification Card and while in an area within a
20 commercial club licensed under the Wildlife Code where
21 hunting is permitted and controlled, but in no instance
22 upon sites owned or managed by the Department of Natural
23 Resources;

24 (14) Resident hunters who are properly authorized to
25 hunt and, while accompanied by a person who possesses a
26 valid Firearm Owner's Identification Card, hunt in an area

1 within a commercial club licensed under the Wildlife Code
2 where hunting is permitted and controlled; and

3 (15) A person who is otherwise eligible to obtain a
4 Firearm Owner's Identification Card under this Act and is
5 under the direct supervision of a holder of a Firearm
6 Owner's Identification Card who is 21 years of age or
7 older while the person is on a firing or shooting range or
8 is a participant in a firearms safety and training course
9 recognized by a law enforcement agency or a national,
10 statewide shooting sports organization.

11 (c) The provisions of this Section regarding the
12 acquisition and possession of firearms, firearm ammunition,
13 stun guns, and tasers do not apply to law enforcement
14 officials of this or any other jurisdiction, while engaged in
15 the operation of their official duties.

16 (c-5) The provisions of paragraphs (1) and (2) of
17 subsection (a) of this Section regarding the possession of
18 firearms and firearm ammunition do not apply to the holder of a
19 valid concealed carry license issued under the Firearm
20 Concealed Carry Act who is in physical possession of the
21 concealed carry license.

22 (c-6) The provisions of paragraphs (1) and (2) of
23 subsection (a) of this Section regarding the possession of
24 firearms and firearm ammunition do not apply to veterans. In
25 this subsection (c-6), "veteran" means a person who has served
26 in the Armed Forces of the United States or the Illinois

1 National Guard and was discharged or separated under honorable
2 conditions.

3 (d) Any person who becomes a resident of this State, who is
4 not otherwise prohibited from obtaining, possessing, or using
5 a firearm or firearm ammunition, shall not be required to have
6 a Firearm Owner's Identification Card to possess firearms or
7 firearms ammunition until 60 calendar days after he or she
8 obtains an Illinois driver's license or Illinois
9 Identification Card.

10 (Source: P.A. 102-538, eff. 8-20-21; 102-1116, eff. 1-10-23.)

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

13 (720 ILCS 5/24-2)

14 Sec. 24-2. Exemptions.

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

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

21 (2) Wardens, superintendents and keepers of prisons,
22 penitentiaries, jails and other institutions for the
23 detention of persons accused or convicted of an offense,
24 while in the performance of their official duty, or while

1 commuting between their homes and places of employment.

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

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

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

1 contractor, or employee of a licensed private security
2 contractor, private detective, or private alarm contractor
3 agency and 28 hours of required firearm training, and has
4 been issued a firearm control card by the Department of
5 Financial and Professional Regulation. Conditions for the
6 renewal of firearm control cards issued under the
7 provisions of this Section shall be the same as for those
8 cards issued under the provisions of the Private
9 Detective, Private Alarm, Private Security, Fingerprint
10 Vendor, and Locksmith Act of 2004. The firearm control
11 card shall be carried by the private security contractor,
12 private detective, or private alarm contractor, or
13 employee of the licensed private security contractor,
14 private detective, or private alarm contractor agency at
15 all times when he or she is in possession of a concealable
16 weapon permitted by his or her firearm control card.

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

1 approved by and supervised by the Department of Financial
2 and Professional Regulation, consisting of not less than
3 48 hours of training that includes the theory of law
4 enforcement, liability for acts, and the handling of
5 weapons. A person shall be considered eligible for this
6 exemption if he or she has completed the required 20 hours
7 of training for a security officer and 28 hours of
8 required firearm training, and has been issued a firearm
9 control card by the Department of Financial and
10 Professional Regulation. Conditions for the renewal of
11 firearm control cards issued under the provisions of this
12 Section shall be the same as for those cards issued under
13 the provisions of the Private Detective, Private Alarm,
14 Private Security, Fingerprint Vendor, and Locksmith Act of
15 2004. The firearm control card shall be carried by the
16 security guard at all times when he or she is in possession
17 of a concealable weapon permitted by his or her firearm
18 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 48 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
13 he or she has completed the required 20 hours of training
14 for a security officer and 28 hours of required firearm
15 training, and has been issued a firearm control card by
16 the 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
22 card shall be carried by the security guard at all times
23 when he or she is in possession of a concealable weapon
24 permitted by his or her firearm control card. For purposes
25 of this subsection, "financial institution" means a bank,
26 savings and loan association, credit union or company

1 providing 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
6 officers pursuant to the Peace Officer Fire Investigation
7 Act.

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

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

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

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

1 (13.5) A person employed as an armed security guard at
2 a nuclear energy, storage, weapons or development site or
3 facility regulated by the Nuclear Regulatory Commission
4 who has completed the background screening and training
5 mandated by the rules and regulations of the Nuclear
6 Regulatory Commission.

7 (14) Manufacture, transportation, or sale of weapons
8 to persons authorized under subdivisions (1) through
9 (13.5) of this subsection to possess those weapons.

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

15 (a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
16 to or affect a qualified current or retired law enforcement
17 officer or a current or retired deputy, county correctional
18 officer, or correctional officer of the Department of
19 Corrections qualified under the laws of this State or under
20 the federal Law Enforcement Officers Safety Act.

21 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
22 24-1.6 do not apply to or affect any of the following:

23 (1) Members of any club or organization organized for
24 the purpose of practicing shooting at targets upon
25 established target ranges, whether public or private, and
26 patrons of such ranges, while such members or patrons are

1 using their firearms on those target ranges.

2 (2) Duly authorized military or civil organizations
3 while parading, with the special permission of the
4 Governor.

5 (3) Hunters, trappers, or fishermen while engaged in
6 lawful hunting, trapping, or fishing under the provisions
7 of the Wildlife Code or the Fish and Aquatic Life Code.

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

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

14 (6) Veterans. In this paragraph (6), "veteran" means a
15 person who has served in the Armed Forces of the United
16 States or the Illinois National Guard and was discharged
17 or separated under honorable conditions.

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

20 (1) Peace officers while in performance of their
21 official duties.

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.

25 (3) Members of the Armed Services or Reserve Forces of
26 the United States or the Illinois National Guard, while in

1 the performance of their official duty.

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

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

21 During transportation, such weapons shall be broken
22 down in a non-functioning state or not immediately
23 accessible.

24 (6) The manufacture, transport, testing, delivery,
25 transfer or sale, and all lawful commercial or
26 experimental activities necessary thereto, of rifles,

1 shotguns, and weapons made from rifles or shotguns, or
2 ammunition for such rifles, shotguns or weapons, where
3 engaged in by a person operating as a contractor or
4 subcontractor pursuant to a contract or subcontract for
5 the development and supply of such rifles, shotguns,
6 weapons or ammunition to the United States government or
7 any branch of the Armed Forces of the United States, when
8 such activities are necessary and incident to fulfilling
9 the terms of such contract.

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

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

1 inches.

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

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

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

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

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

18 (2) Bonafide collectors of antique or surplus military
19 ordnance.

20 (3) Laboratories having a department of forensic
21 ballistics, or specializing in the development of
22 ammunition or explosive ordnance.

23 (4) Commerce, preparation, assembly or possession of
24 explosive bullets by manufacturers of ammunition licensed
25 by the federal government, in connection with the supply
26 of those organizations and persons exempted by subdivision

1 (g) (1) of this Section, or like organizations and persons
2 outside this State, or the transportation of explosive
3 bullets to any organization or person exempted in this
4 Section by a common carrier or by a vehicle owned or leased
5 by an exempted manufacturer.

6 (g-5) Subsection 24-1(a)(6) does not apply to or affect
7 persons licensed under federal law to manufacture any device
8 or attachment of any kind designed, used, or intended for use
9 in silencing the report of any firearm, firearms, or
10 ammunition for those firearms equipped with those devices, and
11 actually engaged in the business of manufacturing those
12 devices, firearms, or ammunition, but only with respect to
13 activities that are within the lawful scope of that business,
14 such as the manufacture, transportation, or testing of those
15 devices, firearms, or ammunition. This exemption does not
16 authorize the general private possession of any device or
17 attachment of any kind designed, used, or intended for use in
18 silencing the report of any firearm, but only such possession
19 and activities as are within the lawful scope of a licensed
20 manufacturing business described in this subsection (g-5).
21 During transportation, these devices shall be detached from
22 any weapon or not immediately accessible.

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

1 Corrections.

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

10 (g-10) (Blank).

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

15 (i) Nothing in this Article shall prohibit, apply to, or
16 affect the transportation, carrying, or possession, of any
17 pistol or revolver, stun gun, taser, or other firearm
18 consigned to a common carrier operating under license of the
19 State of Illinois or the federal government, where such
20 transportation, carrying, or possession is incident to the
21 lawful transportation in which such common carrier is engaged;
22 and nothing in this Article shall prohibit, apply to, or
23 affect the transportation, carrying, or possession of any
24 pistol, revolver, stun gun, taser, or other firearm, not the
25 subject of and regulated by subsection 24-1(a)(7) or
26 subsection 24-2(c) of this Article, which is unloaded and

1 enclosed in a case, firearm carrying box, shipping box, or
2 other container, by the possessor of a valid Firearm Owners
3 Identification Card.

4 (Source: P.A. 102-152, eff. 1-1-22; 102-779, eff. 1-1-23;
5 102-837, eff. 5-13-22; 103-154, eff. 6-30-23.)