



Sen. Edward Petka

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LRB093 18296 RLC 48960 a

1 AMENDMENT TO SENATE BILL 2188

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2188, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 1. Short title. This Act may be cited as the  
6 Retired Officers Security Act.

7 Section 5. Legislative declaration. The General Assembly  
8 finds that as a matter of public policy it is necessary to  
9 provide statewide uniform standards for issuing permits to  
10 carry concealed firearms for retired peace officers and that no  
11 person who does not qualify under the provisions of this Act  
12 receives a permit to carry concealed firearms. The General  
13 Assembly recognizes that it already regulates the use and  
14 possession of concealed firearms under Sections 24-1 and 24-1.6  
15 of the Criminal Code of 1961 and that the regulation of  
16 concealed firearms is an exclusive statewide function. The  
17 General Assembly does not delegate to the Department of State  
18 Police the authority to regulate or restrict the issuing of  
19 concealed firearms permits provided for in this Act beyond  
20 those provisions contained in this Act.

21 Section 10. Definitions. As used in this Act:

22 "Concealed firearm" means a handgun carried on or about a  
23 person completely or mostly concealed from view of the public,

1 or carried in a vehicle in such a way as it is concealed from  
2 view of the public.

3 "Department" means the Department of State Police.

4 "Director" means the Director of State Police.

5 "Fund" means the Retired Officers Security Trust Fund.

6 "Handgun" has the meaning ascribed to it in subsection  
7 (A) (h) of Section 24-3 of the Criminal Code of 1961.

8 "Permit" means a permit to carry a concealed firearm issued  
9 by the Department of State Police.

10 "Permittee" means a person who is issued a permit to carry  
11 a concealed firearm by the Department of State Police.

12 Section 15. Retired Officers Security Fund.

13 (a) There is created the Retired Officers Security Trust  
14 Fund. The Fund shall be maintained apart from the State  
15 treasury and shall be administered by the Department. Moneys  
16 from federal and State sources may be deposited into the Fund.  
17 Fees from applications for new, renewal, corrected, and  
18 duplicate concealed firearms permits shall be deposited into  
19 the Fund. The Department may invest the moneys in the Fund, and  
20 any income on these investments shall be reinvested in the  
21 Fund.

22 (b) The Department shall use the moneys in the Fund  
23 exclusively for the administration of this Act.

24 Section 20. Permit for concealed firearms. The Department  
25 of State Police is authorized to issue permits to carry  
26 concealed firearms to persons qualified as provided in this  
27 Act. Permits to carry a concealed firearm shall be valid  
28 throughout the State for a period of 5 years from the date of  
29 issuance. Any person in compliance with the terms of the permit  
30 may carry concealed firearms on or about his or her person. The  
31 permittee shall carry the permit at all times the permittee is  
32 carrying a concealed firearm and shall display the permit upon

1 the request of a law enforcement officer. The permit is valid  
2 throughout the State.

3 Section 25. Application for permit and qualifications of  
4 applicants.

5 (a) An applicant for a permit shall obtain the application  
6 from the Department of State Police. The completed application  
7 and all accompanying material plus an application fee of \$100  
8 for a new permit or \$100 for a renewal shall be submitted to  
9 the Department of State Police. The Department of State Police  
10 may promulgate rules for the use of this fee that are not  
11 inconsistent with this Act.

12 (b) The Department of State Police, upon a person's  
13 application for a concealed firearms permit, upon receipt of  
14 the appropriate fees, and after compliance with the procedures  
15 set out in this Section, shall issue the applicant a concealed  
16 firearms permit if the person:

17 (1) resides within the State of Illinois and has been a  
18 resident for the last 6 months and is a permanent resident  
19 of the United States;

20 (2) has not been convicted of a crime punishable by  
21 imprisonment for a term exceeding one year, or of a  
22 misdemeanor evidencing violence, is not free on any form of  
23 bond or pretrial release for any offense that would  
24 prohibit the person from obtaining a permit under this Act,  
25 and has no outstanding warrants for those crimes;

26 (3) has no record of mental disease or mental illness  
27 on file with the Department of State Police, the Department  
28 of Human Services, or any other State or federal agencies  
29 that would evidence incapacity, or lack of proper mental  
30 capacity;

31 (4) has not been committed to a state or federal  
32 facility for the abuse of a controlled substance or  
33 cannabis or has not been convicted of a misdemeanor

1 violation of the Illinois Controlled Substances Act or the  
2 Cannabis Control Act or similar laws of any other state  
3 relating to controlled substances or cannabis within a  
4 10-year period immediately preceding the date on which the  
5 application is submitted; and

6 (5) shows proof that he or she either:

7 (A) is a graduate of a police training institute or  
8 police academy, who after graduating served for at  
9 least 10 years as a sworn, full-time peace officer  
10 qualified to carry firearms for any federal or State  
11 department or agency or for any unit of local  
12 government of Illinois and has retired as a local,  
13 State, or federal peace officer in a publicly created  
14 peace officer retirement system; whose service in law  
15 enforcement was honorably terminated through  
16 retirement or disability and not as a result of  
17 discipline, suspension, discharge, or decertification  
18 by the Illinois Law Enforcement Training Standards  
19 Board; or

20 (B) earned the Military Occupation Specialty (MOS)  
21 of a military police officer, investigator, or its  
22 equivalent in any of the Armed Forces and served for at  
23 least 10 years as a member of the United States Armed  
24 Forces, which service was honorably terminated and not  
25 as a result of discipline, suspension, or dishonorable  
26 discharge.

27 Section 30. Contents of application. The initial  
28 application shall be in writing, submitted under oath and under  
29 the penalties of perjury, on a standard form promulgated by the  
30 Department of State Police, and shall be accompanied by the  
31 appropriate fees and required documentation. The application  
32 shall contain only the following information:

33 (1) the applicant's name, address, gender, and date and

1 place of birth;

2 (2) a head and shoulder color photograph taken within  
3 30 days preceding the date on which the application is  
4 submitted;

5 (3) questions to certify or demonstrate the applicant  
6 has completed a firearms and deadly use of force training  
7 and education prerequisites specified under this Act;

8 (4) a statement that the applicant is a resident of the  
9 State of Illinois and has been a resident for the last 6  
10 months and is a United States citizen or a naturalized  
11 citizen;

12 (5) a waiver of privacy and confidentiality rights and  
13 privileges enjoyed by the applicant under all federal and  
14 State laws governing access to juvenile court, criminal  
15 justice, psychological or psychiatric records, or records  
16 relating to the applicant's history of  
17 institutionalization, and an affirmative request that any  
18 person having custody of any such record provide it or  
19 information concerning it to the Department;

20 (6) a conspicuous warning that false statements made by  
21 the applicant will result in prosecution for perjury in  
22 accordance with Section 32-2 of the Criminal Code of 1961;

23 (7) that the applicant possesses a currently valid  
24 Illinois Firearm Owner's Identification Card, together  
25 with the card number, or is applying for the card in  
26 conjunction with the concealed firearms permit  
27 application;

28 (8) an affirmation that the applicant has never been  
29 convicted of any felony;

30 (9) the applicant's signature, under oath, attesting  
31 to the following statement: "I, the undersigned, state,  
32 under oath and subject to the penalty of perjury, that I am  
33 not a streetgang member as defined in Section 10 of the  
34 Illinois Streetgang Terrorism Omnibus Prevention Act and

1 that I will not join or become associated with a criminal  
2 streetgang."; and

3 (10) appropriate documentation to support that the  
4 applicant meets the requirements of clause (b)(5) of  
5 Section 25 of this Act.

6 Section 35. Submission of identifying information; fee. In  
7 addition to the completed application, the applicant must  
8 submit the following information to the Department of State  
9 Police:

10 (i) a recent head and shoulder color photograph of the  
11 applicant as required by Section 30 in a size specified by  
12 the Department of State Police taken preceding the date on  
13 which the application is submitted;

14 (ii) a non-refundable permit fee of \$100 if he or she  
15 has not previously been issued such a permit by the  
16 Department of State Police, or a non-refundable permit fee  
17 of \$100 for each renewal of a permit;

18 (iii) a full set of legible fingerprints administered  
19 to the applicant by the Department of State Police, or any  
20 other federal, State, county, or municipal law enforcement  
21 agency; any cost of fingerprinting shall be paid by the  
22 applicant; and

23 (iv) a photocopy of a certificate or other evidence of  
24 completion of a course to show compliance with Section 90  
25 of this Act.

26 Section 40. Approval of application.

27 (a) If the Department of State Police finds that the  
28 applicant possesses a valid Firearm Owner's Identification  
29 Card, meets the training requirements of this Act, and has  
30 provided the documentation and paid the fees required for  
31 issuance of a concealed firearms permit and that, as nearly as  
32 it is possible to determine, nothing in the applicant's

1 background or present circumstances disqualify him or her from  
2 possessing a firearm in Illinois, it shall approve the  
3 application and issue the applicant a wallet-sized permit  
4 bearing the photograph of the applicant within 90 days or the  
5 Department may issue a new Firearm Owner's Identification Card  
6 with an endorsement for the carrying of a concealed firearm.

7 (b) If the applicant is found to be ineligible, the  
8 Department of State Police shall deny the application and  
9 notify the applicant in writing, stating the grounds for denial  
10 and informing the applicant of the right to submit, within 30  
11 days, any additional documentation relating to the grounds of  
12 the denial. Upon receiving any additional documentation, the  
13 Department of State Police shall reconsider its decision and  
14 inform the applicant within 30 days of the result of the  
15 reconsideration. The applicant shall further be informed of the  
16 right to appeal the denial in the circuit court of his or her  
17 place of residence.

18 (c) The Department of State Police shall maintain an  
19 automated record listing of permit holders, including their  
20 names and addresses, and this information shall be available  
21 on-line, upon request, at all times to all Illinois law  
22 enforcement agencies. Except as provided in this subsection,  
23 information on applications for permits, names and addresses,  
24 or other identifying information relating to permit holders  
25 shall be confidential and shall not be made available except to  
26 law enforcement agencies. Requests for information about any  
27 permit holder made by persons other than a bona fide law  
28 enforcement agency shall be made to the Department of State  
29 Police together with any fee required for the providing of  
30 information. The Department of State Police may, upon proper  
31 application and the payment of the required fee, provide to the  
32 requester, in written form only, a list of names of any or all  
33 holders in the State of Illinois licensed to carry a concealed  
34 firearm. No identifying information other than the name shall

1 be provided, and information for geographic areas or other  
2 subdivisions of any type from the list shall not be provided,  
3 except to a bona fide law enforcement agency, and shall be  
4 confidential. No requests for lists of local or statewide  
5 permit holders shall be made to any State or local law  
6 enforcement agency. No other agency of government other than  
7 the Department of State Police shall provide any information to  
8 a requester not entitled to it by law. The names of all  
9 persons, other than law enforcement agencies and peace  
10 officers, requesting information under this Section shall be  
11 public records.

12 Section 45. Revocation of a permit. A permit issued under  
13 Section 40 shall be revoked if the permit holder becomes  
14 ineligible to be issued a permit under the criteria set forth  
15 in clauses (b)(1), (2), (3), (4), and (5) of Section 25 or  
16 subsection (b) of Section 40 of this Act. When the holder of  
17 the permit has his or her Firearm Owner's Identification Card  
18 revoked, when an order of protection is issued under Section  
19 112A-14 of the Code of Criminal Procedure of 1963 or under  
20 Section 214 of the Illinois Domestic Violence Act of 1986  
21 against a person holding a permit issued under this Act, the  
22 holder of the permit shall surrender the permit to the court or  
23 to the officer serving the order. The officer to whom the  
24 permit is surrendered shall forthwith transmit the permit to  
25 the court issuing the order. The permit shall be revoked until  
26 the order is terminated.

27 Section 50. Notification of renewal. Not later than 60 days  
28 before the expiration of any permit issued under this Act, the  
29 Department of State Police shall notify the permit holder in  
30 writing of the expiration and furnish an application for  
31 renewal of the permit.



1           Section 55. Renewal of permit. The permit shall be renewed  
2 for a qualified applicant upon receipt of the properly  
3 completed renewal application and required renewal fee. The  
4 renewal application shall contain the same required  
5 information as set forth in paragraphs (1) through (9) of  
6 Section 30, except that in lieu of the firearm education and  
7 use of deadly force training, the applicant need only  
8 demonstrate previous issuance of and continued eligibility for  
9 a concealed firearms permit.

10           Section 60. Change of address, change of name, or lost or  
11 destroyed permits.

12           (a) Within 30 days after the changing of a permanent  
13 residence, or within 30 days after loss or destruction of a  
14 concealed firearms permit, the permittee shall notify the  
15 Department of State Police of the loss, destruction, change of  
16 name, or change of residence. Failure to notify the Department  
17 of State Police shall constitute a noncriminal violation with a  
18 penalty of \$25 payable to the Department of State Police.

19           (b) If a person issued a permit to carry a concealed  
20 firearm changes residence within this State, or changes his or  
21 her name, the person to whom the permit was issued may upon  
22 payment of \$25 to the Department of State Police obtain a  
23 corrected concealed firearms permit with a change of address or  
24 change of name upon furnishing a notarized statement to the  
25 Department of State Police that the permittee has changed  
26 residence, or his or her name, and upon submission of an  
27 application as set forth in Section 25 and photograph as set  
28 forth in paragraph (2) of Section 30 of this Act. A concealed  
29 firearms permit shall be invalid after 30 days if the permittee  
30 has not notified the Department of State Police of a change of  
31 residence.

32           (c) If a permit to carry a concealed firearm is lost or  
33 destroyed, the permit shall be cancelled, and the person to

1 whom the permit was issued may upon payment of \$25 to the  
2 Department of State Police obtain a new permit, upon furnishing  
3 a notarized statement to the Department of State Police that  
4 the permit was lost or destroyed and submission of an  
5 application as set forth in Section 25 and photograph as set  
6 forth in paragraph (2) of Section 30 of this Act.

7 Section 65. Concealed firearms permit.

8 (a) A concealed firearm permit shall authorize the person  
9 in whose name the permit is issued to carry concealed firearms  
10 on or about his or her person or vehicle throughout the State.  
11 No permit issued under this Section shall authorize any person  
12 to carry a concealed firearm into or upon:

13 (i) Any police, sheriff, or Department of State Police  
14 office or station without the consent of the chief law  
15 enforcement officer in charge of that office or station.

16 (ii) The facility of any adult or juvenile detention or  
17 correctional institution, prison, or jail.

18 (iii) Any courthouse, solely occupied by the Circuit,  
19 Appellate, or Supreme Court, or a courtroom of any of those  
20 courts, or court proceeding, except that nothing in this  
21 Section shall preclude a judge, holding a concealed firearm  
22 permit, from carrying a concealed firearm within a  
23 courthouse.

24 (iv) Any meeting of the governing body of a unit of  
25 local government; or any meeting of the General Assembly or  
26 a committee of the General Assembly, except that nothing in  
27 this Section shall preclude a member of the body, holding a  
28 concealed firearms permit, from carrying a concealed  
29 firearm at a meeting of the body which he or she is a  
30 member.

31 (v) The General Assembly may by statute, and the county  
32 or municipality may by ordinance, prohibit or limit the  
33 carrying of concealed firearms by permit holders in that

1 portion of a building owned, leased, or controlled by that  
2 unit of government. That portion of a building in which the  
3 carrying of concealed firearms is prohibited or limited  
4 shall be clearly identified by signs posted at the entrance  
5 to the restricted area. The statute or ordinance shall  
6 exempt any building used for public housing by private  
7 persons, highways or rest areas, firing ranges, and private  
8 dwellings owned, leased, or controlled by that unit of  
9 government from any restriction on the carrying or  
10 possession of a firearm. The statute or ordinance shall not  
11 specify any criminal penalty for its violation but may  
12 specify that persons violating the statute or ordinance may  
13 be denied entrance to the building, ordered to leave the  
14 building, and, if the employees of the unit of government,  
15 be subjected to disciplinary measures for violation of the  
16 provisions of the statute or ordinance. The provisions of  
17 this Section shall not apply to any other unit of  
18 government.

19 (vi) Any portion of an establishment licensed to  
20 dispense beer or alcoholic beverages for consumption on the  
21 premises, which portion of the establishment is primarily  
22 devoted to that purpose. This paragraph (vi) does not apply  
23 to any bona fide restaurant open to the general public  
24 having dining facilities for not less than 50 persons and  
25 that receives at least 50% of its gross annual income from  
26 the dining facilities by the sale of food.

27 (vii) Any area of an airport to which access is  
28 controlled by the inspection of persons and property.

29 (viii) Any place where the carrying of a firearm is  
30 prohibited by federal law.

31 (ix) Any elementary or secondary school facility  
32 without the consent of school authorities.

33 (x) Any portion of a building used as a child care  
34 facility without the consent of the manager. Nothing in

1 this Section shall prevent the operator of a child care  
2 facility in a family home from owning or possessing a  
3 firearm or permit.

4 (xi) A riverboat gambling operation or horse racing  
5 facility accessible by the public.

6 (xii) Any gated area of an amusement park.

7 (xiii) Any stadium, arena, or collegiate or  
8 professional sporting event.

9 (xiv) A church or other place of religious worship.

10 A violation of this subsection (a) is a Class C  
11 misdemeanor.

12 (b) A concealed firearm permit does not authorize the  
13 concealed carrying or transportation of a stun gun or taser.

14 Section 70. Immunity of Department, sheriff, municipal  
15 police department, and their employees and agents. The  
16 Department of State Police, office of the county sheriff, or  
17 municipal police department, and any employee or agent of the  
18 Department of State Police, county sheriff, or municipal police  
19 department is not liable for damages in any civil action  
20 arising from alleged wrongful or improper granting, renewing,  
21 or failure to revoke permits issued under this Act.

22 Section 80. Fees.

23 (a) Fees collected under this Act and deposited into the  
24 Retired Officers Security Trust Fund shall be used exclusively  
25 for administering the provisions of this Act; except that,  
26 commencing January 1, 2005, any excess moneys in the Fund may  
27 be used to ensure the prompt and efficient processing of  
28 applications received under Section 30 of this Act.

29 (b) Fees for a concealed firearms permit shall be:

30	New permit .....	\$100
31	Renewal .....	\$100
32	Duplicate due to lost or destroyed .....	\$25

1 Corrected permit due to change of address  
 2 or name ..... \$25

3 Section 85. Applicant training.

4 (a) The applicant training course shall be the standardized  
 5 training course furnished by the Department and taught by a  
 6 qualified firearms instructor, consisting of:

7 (1) Eight hours of classroom instruction, covering at  
 8 least the following topics:

9 (i) handgun safety in the classroom, at home, on  
 10 the firing range, or while carrying the firearm;

11 (ii) the basic principles of marksmanship;

12 (iii) care and cleaning of handguns; and

13 (iv) by means of a videotape produced or approved  
 14 by the Department:

15 (A) the requirements for obtaining a concealed  
 16 firearms permit in this State;

17 (B) laws relating to firearms as prescribed in  
 18 the Firearm Owners Identification Card Act,  
 19 Article 24 of the Criminal Code of 1961, and 18  
 20 U.S.C. 921 through 930; and

21 (C) laws relating to the justifiable use of  
 22 force as prescribed in Article 7 of the Criminal  
 23 Code of 1961.

24 (2) Live firing exercises of sufficient duration for  
 25 each applicant to fire:

26 (i) a handgun from a standing position;

27 (ii) a minimum of 20 rounds; and

28 (iii) at a distance from a B-21 silhouette target,  
 29 or an equivalent as approved by the Department, of 7  
 30 yards.

31 (b) The classroom portion of the course may be, at the  
 32 qualified firearms instructor's discretion, divided into  
 33 segments of not less than 2 hours each.

1 (c) (1) An applicant training course shall not be open to  
2 persons who are less than 21 years of age.

3 (2) An applicant training course students shall  
4 complete a course application form, which shall include a  
5 statement acknowledging receipt of copies of pertinent  
6 statutory provisions listed in clauses (A), (B), and (C) of  
7 subparagraph (iv) of paragraph (1) of subsection (a) and a  
8 liability waiver.

9 (3) The course application form may be obtained from  
10 the qualified firearms instructor at the time of the  
11 course.

12 (d) At the conclusion of the classroom portion of the  
13 applicant training course, the qualified firearms instructor  
14 shall:

15 (1) distribute a standard course examination to the  
16 students;

17 (2) not leave the room in which the examination is  
18 being held while the examination is in progress;

19 (3) collect examination booklets and answer sheets  
20 from each student at the end of the examination period;

21 (4) not grade the examinations in the presence of  
22 students; and

23 (5) not divulge an applicant's numeric score on the day  
24 of the examination, but may indicate whether an applicant  
25 passed or failed the examination.

26 (e) A person shall not:

27 (1) make an unauthorized copy of the applicant training  
28 course examination, in whole or in part;

29 (2) possess the applicant training course examination,  
30 or questions from the examination, unless authorized by the  
31 Department; or

32 (3) divulge the contents of an applicant training  
33 course examination questions to another person.

34 (f) (1) Students shall provide their own safe, functional

1 handgun and factory-loaded ammunition.

2 (2) Prior to conducting range firing, the certified  
3 firearms instructor shall:

4 (i) inspect each applicant's firearm; and

5 (ii) not allow the firing of a handgun that is not  
6 in sound mechanical condition or otherwise may pose a  
7 safety hazard.

8 (g) Grades of "passing" shall not be given on range work to  
9 an applicant who:

10 (1) does not follow the orders of the certified  
11 firearms instructor;

12 (2) in the judgment of the certified firearms  
13 instructor, handles a firearm in a manner that poses a  
14 danger to the applicant or to others; or

15 (3) during the testing portion of the range work fails  
16 to hit the silhouette portion of the target with a majority  
17 of 20 rounds.

18 (h) Certified firearms instructors shall:

19 (1) allow monitoring of their classes by officials of  
20 any certifying agency;

21 (2) make all course records available upon demand to  
22 authorized personnel of the Department; and

23 (3) not divulge course records except as authorized by  
24 the certifying agency.

25 (i) (1) Fees for applicant training courses shall not  
26 exceed \$75 per student.

27 (2) Qualified firearms instructors shall collect the  
28 fee and remit \$25 of the fee to the Department.

29 (3) Fees shall not be refunded to students who fail or  
30 otherwise do not complete the course.

31 (j) An applicant training course shall not have more than  
32 40 students in the classroom portion or more than 10 students  
33 per range officer engaged in range firing.

34 (k) Within 3 working days after the completion of the

1 course, the certified firearms instructor shall:

2 (1) grade the examinations; and

3 (2) provide to the student a certificate of successful  
4 course completion if he or she:

5 (i) answers at least 70% of the written examination  
6 questions correctly; and

7 (ii) achieves a grade of "passing" on the range  
8 work.

9 (1) (1) Students who score below 70% on the written  
10 examination may retake the examination one time without having  
11 to retake the course.

12 (2) Students who do not achieve a grade of "passing" on the  
13 range work may repeat the range work one time without having to  
14 retake the course.

15 (3) Notices of failure shall include information on whether  
16 the student failed the written exam, the range firing, or both.

17 Section 90. Firearms instructors training.

18 (a) Persons who are not qualified firearms instructors  
19 shall not teach applicant training courses.

20 (b) Persons who are not qualified firearms instructors  
21 shall not advertise or otherwise represent courses they teach  
22 as qualifying their students to meet the requirements to  
23 receive a permit to carry concealed firearms in this State.

24 (c) Persons who are not certified instructor trainers shall  
25 not teach instructor qualification courses.

26 (d) Persons wishing to become qualified firearms  
27 instructors shall:

28 (1) be at least 21 years of age;

29 (2) be citizens of the United States; and

30 (3) have been issued Firearm Owner's Identification  
31 Cards.

32 (e) Persons wishing to become instructor trainers, in  
33 addition to the requirements of subsection (d) of this Section,



1 shall:

2 (1) possess a high school diploma or GED certificate;

3 (2) have at least one of the following valid firearms  
4 instructor certifications:

5 (I) National Rifle Association Personal Protection  
6 Instructor;

7 (II) National Rifle Association Pistol  
8 Marksmanship Instructor;

9 (III) certification from a firearms instructor's  
10 course offered by a State or federal governmental  
11 agency; or

12 (IV) a similar firearms instructor qualifying  
13 course, approved the Director of State Police or his or  
14 her designee.

15 (f) (1) Applicants shall agree to background checks.

16 (2) An applicant may be disqualified from taking  
17 firearms instructor training, or have his or her instructor  
18 qualification revoked, if the applicant:

19 (A) does not meet the requirements of the Firearm  
20 Owners Identification Card Act;

21 (B) provides false or misleading information on  
22 the application; or

23 (C) has had a prior instructor qualification  
24 revoked by the Department.

25 (g) The training course to certify firearms instructors and  
26 instructor trainers shall include:

27 (1) Sixteen hours of classroom instruction covering at  
28 least the following topics:

29 (i) by means of a videotape produced or approved by  
30 the Department:

31 (A) the requirements for obtaining a concealed  
32 firearms permit in this State;

33 (B) laws relating to firearms as contained in the  
34 Firearm Owners Identification Card Act, Article 24 of

1 the Criminal Code of 1961, and 18 U.S.C. 921 through  
2 930;

3 (C) laws relating to the justifiable use of force  
4 as contained in Article 7 of the Criminal Code of 1961;

5 (D) the conduct of applicant training courses;

6 (E) record-keeping requirements of this Act;

7 (F) the basic nomenclature of handguns;

8 (G) the basic principles of marksmanship; and

9 (H) the safe handling of handguns.

10 (2) A classroom demonstration, during which the  
11 instructor candidate shall receive instruction on and  
12 demonstrate competency in the ability to prepare and  
13 deliver a classroom presentation using materials from the  
14 applicant curriculum.

15 (3) Range instruction and firing of live ammunition,  
16 during which the instructor candidate shall receive  
17 instruction on and demonstrate competency in the ability  
18 to:

19 (i) handle and fire a handgun safely and  
20 accurately;

21 (ii) conduct a function test and safety inspection  
22 of common types of handguns;

23 (iii) clean common types of handguns; and

24 (iv) supervise and conduct live firing exercises  
25 in a safe and efficient manner.

26 (h) To qualify as a certified firearms instructor or  
27 instructor trainer, instructor candidates shall achieve:

28 (1) a minimum score of 70% on a written examination  
29 covering the material taught during the classroom portion  
30 of the course;

31 (2) a minimum score of 80% on range firing of a handgun  
32 from the standing position while aiming at a B-21 PC  
33 silhouette target or an equivalent as approved by the  
34 Department, with a minimum of:

1 (i) ten rounds from 7 yards;

2 (ii) ten rounds from 15 yards; and

3 (iii) a score of "passing" from the course  
4 instructor for demonstrating competency in each of the  
5 following:

6 (A) supervising and conducting live fire;

7 (B) cleaning and inspecting handguns; and

8 (C) preparing and delivering the classroom  
9 lecture.

10 (i) Instructor candidates who fail to meet the minimum  
11 requirements of subsection (g) of this Section may retake the  
12 examination, range work, or classroom demonstration one time  
13 without having to repeat the course.

14 (j) Qualified firearms instructor and instructor trainer  
15 certificates shall be valid for 3 years from date of issue.  
16 Qualified firearms instructors or instructor trainers may  
17 renew their certification by successfully completing a  
18 refresher course offered or approved by the Department.

19 (k) The fees for instructor trainer or refresher courses  
20 shall be \$100 per student.

21 (1) The fees for qualified instructor courses shall be  
22 no more than \$100 per student. The instructor trainer shall  
23 remit \$50 per student to the Department.

24 (2) Fees shall not be refunded to those who do not pass  
25 or otherwise fail to complete a course.

26 (l) Course participants shall provide their own safe,  
27 functional handgun and factory-loaded ammunition.

28 (m) Prior to conducting range firing, the course instructor  
29 shall:

30 (1) inspect each applicant's firearm; and

31 (2) not allow the firing of a handgun that is not  
32 in sound mechanical condition or otherwise may pose a  
33 safety hazard.

1 Section 95. Repeal. This Act is repealed on July 1, 2010.

2 Section 97. Severability. The provisions of this Act are  
3 severable under Section 1.31 of the Statute on Statutes.

4 Section 105. The Firearm Owners Identification Card Act is  
5 amended by changing Section 13.1 as follows:

6 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

7 Sec. 13.1. The provisions of any ordinance enacted by any  
8 municipality which requires registration or imposes greater  
9 restrictions or limitations on the acquisition, possession and  
10 transfer of firearms than are imposed by this Act, are not  
11 invalidated or affected by this Act, except that an ordinance  
12 of a unit of local government, including a home rule unit, is  
13 invalid if it is inconsistent with the Retired Officers  
14 Security Act. It is declared to be the policy of this State  
15 that the regulation of the right to carry concealed firearms is  
16 an exclusive power and function of the State. A home rule unit  
17 may not regulate the issuance of permits to carry concealed  
18 firearms or the carrying and transportation of firearms. This  
19 Section is a denial and limitation of home rule powers and  
20 functions under subsection (h) of Section 6 of Article VII of  
21 the Illinois Constitution.

22 (Source: P.A. 76-1939.)

23 Section 110. The Criminal Code of 1961 is amended by  
24 changing Section 24-2 as follows:

25 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

26 Sec. 24-2. Exemptions.

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

29 (1) Peace officers, and any person summoned by a peace

1 officer to assist in making arrests or preserving the  
2 peace, while actually engaged in assisting such officer.

3 (2) Wardens, superintendents and keepers of prisons,  
4 penitentiaries, jails and other institutions for the  
5 detention of persons accused or convicted of an offense,  
6 while in the performance of their official duty, or while  
7 commuting between their homes and places of employment.

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

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

19 (5) Persons licensed as private security contractors,  
20 private detectives, or private alarm contractors, or  
21 employed by an agency certified by the Department of  
22 Professional Regulation, if their duties include the  
23 carrying of a weapon under the provisions of the Private  
24 Detective, Private Alarm, Private Security, and Locksmith  
25 Act of 2004, while actually engaged in the performance of  
26 the duties of their employment or commuting between their  
27 homes and places of employment, provided that such  
28 commuting is accomplished within one hour from departure  
29 from home or place of employment, as the case may be.  
30 Persons exempted under this subdivision (a)(5) shall be  
31 required to have completed a course of study in firearms  
32 handling and training approved and supervised by the  
33 Department of Professional Regulation as prescribed by  
34 Section 28 of the Private Detective, Private Alarm, Private

1 Security, and Locksmith Act of 2004, prior to becoming  
2 eligible for this exemption. The Department of  
3 Professional Regulation shall provide suitable  
4 documentation demonstrating the successful completion of  
5 the prescribed firearms training. Such documentation shall  
6 be carried at all times when such persons are in possession  
7 of a concealable weapon.

8 (6) Any person regularly employed in a commercial or  
9 industrial operation as a security guard for the protection  
10 of persons employed and private property related to such  
11 commercial or industrial operation, while actually engaged  
12 in the performance of his or her duty or traveling between  
13 sites or properties belonging to the employer, and who, as  
14 a security guard, is a member of a security force of at  
15 least 5 persons registered with the Department of  
16 Professional Regulation; provided that such security guard  
17 has successfully completed a course of study, approved by  
18 and supervised by the Department of Professional  
19 Regulation, consisting of not less than 40 hours of  
20 training that includes the theory of law enforcement,  
21 liability for acts, and the handling of weapons. A person  
22 shall be considered eligible for this exemption if he or  
23 she has completed the required 20 hours of training for a  
24 security officer and 20 hours of required firearm training,  
25 and has been issued a firearm authorization card by the  
26 Department of Professional Regulation. Conditions for the  
27 renewal of firearm authorization cards issued under the  
28 provisions of this Section shall be the same as for those  
29 cards issued under the provisions of the Private Detective,  
30 Private Alarm, Private Security, and Locksmith Act of 2004.  
31 Such firearm authorization card shall be carried by the  
32 security guard at all times when he or she is in possession  
33 of a concealable weapon.

34 (7) Agents and investigators of the Illinois

1 Legislative Investigating Commission authorized by the  
2 Commission to carry the weapons specified in subsections  
3 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
4 any investigation for the Commission.

5 (8) Persons employed by a financial institution for the  
6 protection of other employees and property related to such  
7 financial institution, while actually engaged in the  
8 performance of their duties, commuting between their homes  
9 and places of employment, or traveling between sites or  
10 properties owned or operated by such financial  
11 institution, provided that any person so employed has  
12 successfully completed a course of study, approved by and  
13 supervised by the Department of Professional Regulation,  
14 consisting of not less than 40 hours of training which  
15 includes theory of law enforcement, liability for acts, and  
16 the handling of weapons. A person shall be considered to be  
17 eligible for this exemption if he or she has completed the  
18 required 20 hours of training for a security officer and 20  
19 hours of required firearm training, and has been issued a  
20 firearm authorization card by the Department of  
21 Professional Regulation. Conditions for renewal of firearm  
22 authorization cards issued under the provisions of this  
23 Section shall be the same as for those issued under the  
24 provisions of the Private Detective, Private Alarm,  
25 Private Security, and Locksmith Act of 2004. Such firearm  
26 authorization card shall be carried by the person so  
27 trained at all times when such person is in possession of a  
28 concealable weapon. For purposes of this subsection,  
29 "financial institution" means a bank, savings and loan  
30 association, credit union or company providing armored car  
31 services.

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

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

3           (11) Investigators of the Office of the State's  
4           Attorneys Appellate Prosecutor authorized by the board of  
5           governors of the Office of the State's Attorneys Appellate  
6           Prosecutor to carry weapons pursuant to Section 7.06 of the  
7           State's Attorneys Appellate Prosecutor's Act.

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

10          (12.5) Probation officers while in the performance of  
11          their duties, or while commuting between their homes,  
12          places of employment or specific locations that are part of  
13          their assigned duties, with the consent of the chief judge  
14          of the circuit for which they are employed.

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

19          (13.5) A person employed as an armed security guard at  
20          a nuclear energy, storage, weapons or development site or  
21          facility regulated by the Nuclear Regulatory Commission  
22          who has completed the background screening and training  
23          mandated by the rules and regulations of the Nuclear  
24          Regulatory Commission.

25          (14) Manufacture, transportation, or sale of weapons  
26          to persons authorized under subdivisions (1) through  
27          (13.5) of this subsection to possess those weapons.

28          (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
29          24-1.6 do not apply to or affect any of the following:

30          (1) Members of any club or organization organized for  
31          the purpose of practicing shooting at targets upon  
32          established target ranges, whether public or private, and  
33          patrons of such ranges, while such members or patrons are  
34          using their firearms on those target ranges.



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

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

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

8           (5) A person issued a permit to carry a concealed  
9 firearm under the Retired Officers Security Act.

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

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

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

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

25           (5) Persons licensed under federal law to manufacture  
26 any weapon from which 8 or more shots or bullets can be  
27 discharged by a single function of the firing device, or  
28 ammunition for such weapons, and actually engaged in the  
29 business of manufacturing such weapons or ammunition, but  
30 only with respect to activities which are within the lawful  
31 scope of such business, such as the manufacture,  
32 transportation, or testing of such weapons or ammunition.  
33 This exemption does not authorize the general private  
34 possession of any weapon from which 8 or more shots or

1 bullets can be discharged by a single function of the  
2 firing device, but only such possession and activities as  
3 are within the lawful scope of a licensed manufacturing  
4 business described in this paragraph.

5 During transportation, such weapons shall be broken  
6 down in a non-functioning state or not immediately  
7 accessible.

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

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

25 During transportation, any such weapon shall be broken  
26 down in a non-functioning state, or not immediately  
27 accessible.

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

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

34 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and

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

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

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

10 (2) Bonafide collectors of antique or surplus military  
11 ordinance.

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

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

24 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
25 persons licensed under federal law to manufacture any device or  
26 attachment of any kind designed, used, or intended for use in  
27 silencing the report of any firearm, firearms, or ammunition  
28 for those firearms equipped with those devices, and actually  
29 engaged in the business of manufacturing those devices,  
30 firearms, or ammunition, but only with respect to activities  
31 that are within the lawful scope of that business, such as the  
32 manufacture, transportation, or testing of those devices,  
33 firearms, or ammunition. This exemption does not authorize the  
34 general private possession of any device or attachment of any

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

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

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

25 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,  
26 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

27 Section 999. Effective date. This Act takes effect January  
28 1, 2005."