



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0571

Introduced 1/27/2005, by Rep. Robert W. Churchill

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 5/24-2

from Ch. 38, par. 24-2

Creates the Law Enforcement Officers Safety Act. Provides that notwithstanding any other provision of the law of this State or an ordinance of any political subdivision of this State, an individual who is a qualified law enforcement officer or a qualified retired law enforcement officer and who is carrying specified identification may carry a concealed firearm in this State. Amends the Criminal Code of 1961 to exempt these qualified law enforcement officers and qualified retired law enforcement officers from certain unlawful use of weapons provisions and from aggravated unlawful use of a weapon provisions.

LRB094 04976 RLC 35007 b

1 AN ACT concerning firearms.

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

4 Section 1. Short title. This Act may be cited as the Law
5 Enforcement Officers Safety Act.

6 Section 5. Carrying of concealed firearms by qualified law
7 enforcement officers.

8 (a) Notwithstanding any other provision of the law of this
9 State or an ordinance of any political subdivision of this
10 State, an individual who is a qualified law enforcement officer
11 and who is carrying the identification required by subsection
12 (d) may carry a concealed firearm in this State subject to
13 subsection (b).

14 (b) This Section shall not be construed to supersede or
15 limit the laws of this State that:

16 (1) permit private persons or entities to prohibit or
17 restrict the possession of concealed firearms on their
18 property; or

19 (2) prohibit or restrict the possession of firearms on
20 any State or local government property, installation,
21 building, base, or park.

22 (c) As used in this Section, the term "qualified law
23 enforcement officer" means an employee of a governmental agency
24 who:

25 (1) is authorized by law to engage in or supervise the
26 prevention, detection, investigation, or prosecution of,
27 or the incarceration of any person for, any violation of
28 law, and has statutory powers of arrest;

29 (2) is authorized by the agency to carry a firearm;

30 (3) is not the subject of any disciplinary action by
31 the agency;

32 (4) meets standards, if any, established by the agency

1 which require the employee to regularly qualify in the use
2 of a firearm;

3 (5) is not under the influence of alcohol or another
4 intoxicating or hallucinatory drug or substance; and

5 (6) is not prohibited by federal law from receiving a
6 firearm.

7 (d) The identification required by this subsection is the
8 photographic identification issued by the governmental agency
9 for which the individual is employed as a law enforcement
10 officer.

11 (e) As used in this Section, the term "firearm" does not
12 include:

13 (1) any machinegun (as defined in Section 5845 of the
14 National Firearms Act);

15 (2) any firearm silencer (as defined in Title 18 United
16 States Code, Section 921); and

17 (3) any destructive device (as defined in Title 18
18 United States Code, Section 921).

19 Section 10. Carrying of concealed firearms by qualified
20 retired law enforcement officers.

21 (a) Notwithstanding any other provision of the law of this
22 State or an ordinance of any political subdivision of this
23 State, an individual who is a qualified retired law enforcement
24 officer and who is carrying the identification required by
25 subsection (d) may carry a concealed firearm in this State
26 subject to subsection (b).

27 (b) This Section shall not be construed to supersede or
28 limit the laws of this State that:

29 (1) permit private persons or entities to prohibit or
30 restrict the possession of concealed firearms on their
31 property; or

32 (2) prohibit or restrict the possession of firearms on
33 any State or local government property, installation,
34 building, base, or park.

35 (c) As used in this Section, the term "qualified retired

1 law enforcement officer" means an individual who:

2 (1) retired in good standing from service with a public
3 agency as a law enforcement officer, other than for reasons
4 of mental instability;

5 (2) before such retirement, was authorized by law to
6 engage in or supervise the prevention, detection,
7 investigation, or prosecution of, or the incarceration of
8 any person for, any violation of law, and had statutory
9 powers of arrest;

10 (3) (A) before such retirement, was regularly employed
11 as a law enforcement officer for an aggregate of 15 years
12 or more; or (B) retired from service with such agency,
13 after completing any applicable probationary period of
14 such service, due to a service-connected disability, as
15 determined by such agency;

16 (4) has a nonforfeitable right to benefits under the
17 retirement plan of the agency;

18 (5) during the most recent 12-month period, has met, at
19 the expense of the individual, the State's standards for
20 training and qualification for active law enforcement
21 officers to carry firearms;

22 (6) is not under the influence of alcohol or another
23 intoxicating or hallucinatory drug or substance; and

24 (7) is not prohibited by federal law from receiving a
25 firearm.

26 (d) The identification required by this subsection is:

27 (1) a photographic identification issued by the agency
28 from which the individual retired from service as a law
29 enforcement officer that indicates that the individual
30 has, not less recently than one year before the date the
31 individual is carrying the concealed firearm, been tested
32 or otherwise found by the agency to meet the standards
33 established by the agency for training and qualification
34 for active law enforcement officers to carry a firearm of
35 the same type as the concealed firearm; or

36 (2) (A) a photographic identification issued by the

1 agency from which the individual retired from service as a
2 law enforcement officer; and (B) a certification issued by
3 the State in which the individual resides that indicates
4 that the individual has, not less recently than one year
5 before the date the individual is carrying the concealed
6 firearm, been tested or otherwise found by the State to
7 meet the standards established by the State for training
8 and qualification for active law enforcement officers to
9 carry a firearm of the same type as the concealed firearm.

10 (e) As used in this Section, the term "firearm" does not
11 include:

12 (1) any machinegun (as defined in Section 5845 of the
13 National Firearms Act);

14 (2) any firearm silencer (as defined in Title 18 United
15 States Code, Section 921); and

16 (3) any destructive device (as defined in Title 18
17 United States Code, Section 921).

18 Section 105. The Criminal Code of 1961 is amended by
19 changing Section 24-2 as follows:

20 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

21 Sec. 24-2. Exemptions.

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

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

27 (2) Wardens, superintendents and keepers of prisons,
28 penitentiaries, jails and other institutions for the
29 detention of persons accused or convicted of an offense,
30 while in the performance of their official duty, or while
31 commuting between their homes and places of employment.

32 (3) Members of the Armed Services or Reserve Forces of
33 the United States or the Illinois National Guard or the
34 Reserve Officers Training Corps, while in the performance

1 of their official duty.

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

9 (5) Persons licensed as private security contractors,
10 private detectives, or private alarm contractors, or
11 employed by an agency certified by the Department of
12 Professional Regulation, if their duties include the
13 carrying of a weapon under the provisions of the Private
14 Detective, Private Alarm, Private Security, and Locksmith
15 Act of 2004, while actually engaged in the performance of
16 the duties of their employment or commuting between their
17 homes and places of employment, provided that such
18 commuting is accomplished within one hour from departure
19 from home or place of employment, as the case may be.
20 Persons exempted under this subdivision (a)(5) shall be
21 required to have completed a course of study in firearms
22 handling and training approved and supervised by the
23 Department of Professional Regulation as prescribed by
24 Section 28 of the Private Detective, Private Alarm, Private
25 Security, and Locksmith Act of 2004, prior to becoming
26 eligible for this exemption. The Department of
27 Professional Regulation shall provide suitable
28 documentation demonstrating the successful completion of
29 the prescribed firearms training. Such documentation shall
30 be carried at all times when such persons are in possession
31 of a concealable weapon.

32 (6) Any person regularly employed in a commercial or
33 industrial operation as a security guard for the protection
34 of persons employed and private property related to such
35 commercial or industrial operation, while actually engaged
36 in the performance of his or her duty or traveling between

1 sites or properties belonging to the employer, and who, as
2 a security guard, is a member of a security force of at
3 least 5 persons registered with the Department of
4 Professional Regulation; provided that such security guard
5 has successfully completed a course of study, approved by
6 and supervised by the Department of Professional
7 Regulation, consisting of not less than 40 hours of
8 training that includes the theory of law enforcement,
9 liability for acts, and the handling of weapons. A person
10 shall be considered eligible for this exemption if he or
11 she has completed the required 20 hours of training for a
12 security officer and 20 hours of required firearm training,
13 and has been issued a firearm authorization card by the
14 Department of Professional Regulation. Conditions for the
15 renewal of firearm authorization cards issued under the
16 provisions of this Section shall be the same as for those
17 cards issued under the provisions of the Private Detective,
18 Private Alarm, Private Security, and Locksmith Act of 2004.
19 Such firearm authorization card shall be carried by the
20 security guard at all times when he or she is in possession
21 of a concealable weapon.

22 (7) Agents and investigators of the Illinois
23 Legislative Investigating Commission authorized by the
24 Commission to carry the weapons specified in subsections
25 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
26 any investigation for the Commission.

27 (8) Persons employed by a financial institution for the
28 protection of other employees and property related to such
29 financial institution, while actually engaged in the
30 performance of their duties, commuting between their homes
31 and places of employment, or traveling between sites or
32 properties owned or operated by such financial
33 institution, provided that any person so employed has
34 successfully completed a course of study, approved by and
35 supervised by the Department of Professional Regulation,
36 consisting of not less than 40 hours of training which

1 includes theory of law enforcement, liability for acts, and
2 the handling of weapons. A person shall be considered to be
3 eligible for this exemption if he or she has completed the
4 required 20 hours of training for a security officer and 20
5 hours of required firearm training, and has been issued a
6 firearm authorization card by the Department of
7 Professional Regulation. Conditions for renewal of firearm
8 authorization cards issued under the provisions of this
9 Section shall be the same as for those issued under the
10 provisions of the Private Detective, Private Alarm,
11 Private Security, and Locksmith Act of 2004. Such firearm
12 authorization card shall be carried by the person so
13 trained at all times when such person is in possession of a
14 concealable weapon. For purposes of this subsection,
15 "financial institution" means a bank, savings and loan
16 association, credit union or company providing armored car
17 services.

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

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

23 (11) Investigators of the Office of the State's
24 Attorneys Appellate Prosecutor authorized by the board of
25 governors of the Office of the State's Attorneys Appellate
26 Prosecutor to carry weapons pursuant to Section 7.06 of the
27 State's Attorneys Appellate Prosecutor's Act.

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

30 (12.5) Probation officers while in the performance of
31 their duties, or while commuting between their homes,
32 places of employment or specific locations that are part of
33 their assigned duties, with the consent of the chief judge
34 of the circuit for which they are employed.

35 (13) Court Security Officers while in the performance
36 of their official duties, or while commuting between their

1 homes and places of employment, with the consent of the
2 Sheriff.

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

9 (14) Manufacture, transportation, or sale of weapons
10 to persons authorized under subdivisions (1) through
11 (13.5) of this subsection to possess those weapons.

12 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
13 24-1.6 do not apply to or affect any of the following:

14 (1) Members of any club or organization organized for
15 the purpose of practicing shooting at targets upon
16 established target ranges, whether public or private, and
17 patrons of such ranges, while such members or patrons are
18 using their firearms on those target ranges.

19 (2) Duly authorized military or civil organizations
20 while parading, with the special permission of the
21 Governor.

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

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

26 (5) Carrying of a concealed firearm by a qualified law
27 enforcement officer or a qualified retired law enforcement
28 officer in accordance with the Law Enforcement Officers
29 Safety Act.

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

32 (1) Peace officers while in performance of their
33 official duties.

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

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

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

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

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

26 (6) The manufacture, transport, testing, delivery,
27 transfer or sale, and all lawful commercial or experimental
28 activities necessary thereto, of rifles, shotguns, and
29 weapons made from rifles or shotguns, or ammunition for
30 such rifles, shotguns or weapons, where engaged in by a
31 person operating as a contractor or subcontractor pursuant
32 to a contract or subcontract for the development and supply
33 of such rifles, shotguns, weapons or ammunition to the
34 United States government or any branch of the Armed Forces
35 of the United States, when such activities are necessary
36 and incident to fulfilling the terms of such contract.

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

7 During transportation, any such weapon shall be broken
8 down in a non-functioning state, or not immediately
9 accessible.

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

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

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

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

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

26 (2) Bonafide collectors of antique or surplus military
27 ordinance.

28 (3) Laboratories having a department of forensic
29 ballistics, or specializing in the development of
30 ammunition or explosive ordinance.

31 (4) Commerce, preparation, assembly or possession of
32 explosive bullets by manufacturers of ammunition licensed
33 by the federal government, in connection with the supply of
34 those organizations and persons exempted by subdivision
35 (g)(1) of this Section, or like organizations and persons
36 outside this State, or the transportation of explosive

1 bullets to any organization or person exempted in this
2 Section by a common carrier or by a vehicle owned or leased
3 by an exempted manufacturer.

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

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

25 (i) Nothing in this Article shall prohibit, apply to, or
26 affect the transportation, carrying, or possession, of any
27 pistol or revolver, stun gun, taser, or other firearm consigned
28 to a common carrier operating under license of the State of
29 Illinois or the federal government, where such transportation,
30 carrying, or possession is incident to the lawful
31 transportation in which such common carrier is engaged; and
32 nothing in this Article shall prohibit, apply to, or affect the
33 transportation, carrying, or possession of any pistol,
34 revolver, stun gun, taser, or other firearm, not the subject of
35 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
36 this Article, which is unloaded and enclosed in a case, firearm

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

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