



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2567

Introduced 02/18/05, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

New Act

430 ILCS 65/13.1

720 ILCS 5/24-2

from Ch. 38, par. 83-13.1

from Ch. 38, par. 24-2

Creates the Family and Personal Protection Act. Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Vests in the Department of State Police, the authority to issue concealed firearms permits to qualified applicants. Requires an applicant to complete a training course in handgun use, safety, and marksmanship. Also requires instruction in the law relating to firearm use. Requires an applicant to be at least 21 years of age. Prohibits an applicant who has been convicted of a felony or has a history of mental illness, addiction, or habitual alcohol use from obtaining a permit. Creates the Citizen Safety and Self-Defense Trust Fund administered by the Department. The moneys in the Fund shall be used to administer the Act. Establishes restrictions on carrying concealed firearms. Establishes standards for the training course and for certifying instructors. Amends the Firearm Owners Identification Card Act. Provides that the Family and Personal Protection Act supersedes an ordinance of a unit of local government inconsistent with that Act. Prohibits a home rule unit from regulating the issuance of permits to carry concealed firearms. Amends the Criminal Code of 1961. Exempts from an unlawful use of weapons and aggravated unlawful use of weapons violation, persons who carry or possess firearms in accordance with the Family and Personal Protection Act. Effective immediately.

LRB094 09731 RLC 39987 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to 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
5 Family and Personal Protection Act.

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

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

21 "Concealed firearm" means a handgun carried on or about a
22 person completely or mostly concealed from view of the public,
23 or carried in a vehicle in such a way as it is concealed from
24 view of the public.

25 "Department" means the Department of State Police.

26 "Director" means the Director of State Police.

27 "Fund" means the Citizen Safety and Self-Defense Trust
28 Fund.

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

31 "Permit" means a permit to carry a concealed firearm issued

1 by the Department of State Police.

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

4 Section 15. Citizen Safety and Self-Defense Trust Fund.

5 (a) There is created the Citizen Safety and Self-Defense
6 Trust Fund. The Fund shall be maintained apart from the State
7 Treasury and shall be administered by the Department. Money
8 from federal and State sources may be deposited into the Fund.
9 Fees from applications for new, renewal, corrected and
10 duplicate concealed firearms permits shall be deposited into
11 the Fund. The Department may invest the monies in the Fund, and
12 any income on these investments shall be reinvested in the
13 Fund.

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

16 Section 20. Permit for concealed firearms. The Department
17 of State Police is authorized to issue permits to carry
18 concealed firearms to persons qualified as provided in this
19 Act. Permits to carry a concealed firearms shall be valid
20 throughout the State for a period of 3 years from the date of
21 issuance. Any person in compliance with the terms of the permit
22 may carry concealed firearms on or about his or her person. The
23 permittee shall carry the permit at all times the permittee is
24 carrying a concealed firearm and shall display the permit upon
25 the request of a law enforcement officer. The permit is valid
26 throughout the State.

27 Section 25. Application for permit and qualifications of
28 applicants.

29 (a) An applicant for a permit shall obtain the application
30 from the Department of State Police. If the applicant resides
31 in a county of less than 3,000,000 inhabitants (or if the
32 applicant resides in a county of 3,000,000 or more inhabitants
33 but not within any municipality), the application for a permit

1 or renewal of a permit to carry a concealed firearm shall be
2 submitted to the office of the sheriff of the county in which
3 the applicant resides. The completed application and all
4 accompanying material plus an application fee of \$100 for a new
5 permit or \$75 for a renewal shall be presented to the office of
6 the sheriff of the county in which the applicant resides.

7 The sheriff shall transmit the application, accompanying
8 material and any objections to the application, and application
9 fees to the Department of State Police along with the completed
10 application within 10 working days. Twenty dollars of the
11 application fee shall be retained by the office of the sheriff
12 for official expenses of the office.

13 The sheriff may submit specific and articulable reasons to
14 the Department in objection to an application for a concealed
15 firearms permit. He or she shall articulate the recommendation
16 for denial in a written report and transmit that report to the
17 Department of State Police along with the completed application
18 within 10 working days. The Department of State Police shall
19 maintain the report which shall be available to the applicant
20 for a concealed firearms permit.

21 (a-5) If the applicant resides in a county of 3,000,000 or
22 more inhabitants and within a municipality, the application for
23 a permit or renewal of a permit to carry a concealed firearm
24 shall be submitted to the municipal police department and the
25 duties imposed upon the county sheriff under subsection (a)
26 shall be imposed upon the municipal police chief of the
27 municipality in which the applicant resides. The municipal
28 police department shall retain \$20 of the application fee for
29 official expenses of the department.

30 (b) The Department of State Police, upon a person's
31 application for a concealed firearms permit, upon receipt of
32 the appropriate fees, and after compliance with the procedures
33 set out in this Section, shall issue the applicant a concealed
34 firearms permit if the person:

35 (i) Is at least 21 years of age;

36 (ii) Resides within the State of Illinois and has been

1 a resident for the last 6 months and is a permanent
2 resident of the United States;

3 (iii) Has not been convicted of a crime punishable by
4 imprisonment for a term exceeding one year, or of a
5 misdemeanor evidencing violence, is not free on any form of
6 bond or pretrial release, and has no outstanding warrants
7 for those crimes;

8 (iv) Has no record of mental disease or mental illness
9 on file with the Department of State Police that would
10 evidence incapacity, or lack of proper mental capacity;

11 (v) Has not been committed to a state or federal
12 facility for the abuse of a controlled substance or
13 cannabis or has not been convicted of a misdemeanor
14 violation of the Illinois Controlled Substances Act or
15 Cannabis Control Act or similar laws of any other state
16 relating to controlled substances or cannabis within a 10
17 year period immediately preceding the date on which the
18 application is submitted; and

19 (vi) Does not chronically and habitually use alcoholic
20 beverages as evidenced by the applicant having 2 or more
21 convictions for violating Section 11-501 of the Illinois
22 Vehicle Code or similar provision of a local ordinance
23 within 5 years preceding his or her application or if the
24 applicant has elected treatment under the supervision of a
25 licensed program in accordance with the Alcoholism and
26 Other Drug Abuse and Dependency Act or similar laws of any
27 other state within a 5 year period immediately preceding
28 the date on which the application is submitted.

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

35 (i) the applicant's name, address, gender, and date and

1 place of birth;

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

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

9 (iv) a statement that the applicant is a resident of
10 the State of Illinois and has been a resident for the last
11 6 months and is a permanent resident of the United States;

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

23 (vii) An affirmation that the applicant is at least 21
24 years of age, that the applicant possesses a currently
25 valid Illinois Firearm Owner's Identification Card,
26 together with the card number or is applying for the card
27 in conjunction with the concealed firearms permit
28 application;

29 (viii) An affirmation that the applicant has never been
30 convicted of any felony or of a misdemeanor involving the
31 use or threat of physical force or violence to any person;
32 and has never been adjudicated a delinquent minor for an
33 offense which, had he or she been tried as an adult, would
34 have been such a felony or misdemeanor;

35 (ix) The application shall also contain the following
36 statement along with a signature line for use by the

1 applicant, which statement the applicant shall affirm
2 under oath "I the undersigned state, under oath and subject
3 to the penalty of perjury, that I am not a streetgang
4 member as defined in Section 10 of the Illinois Streetgang
5 Terrorism Omnibus Prevention Act, and I will not join or
6 become associated with a criminal streetgang."

7 Section 35. Submission of identifying information; fee. In
8 addition to the completed application, the applicant must also
9 submit the following to the sheriff of the county in which the
10 applicant resides. The sheriff shall submit the information to
11 the Department of State Police:

12 (i) A head and shoulder color photograph as required by
13 Section 30 in a size specified by the Department of State
14 Police taken within 30 days preceding the date on which the
15 application is submitted.

16 (ii) A non-refundable permit fee of \$100 if he or she
17 has not previously been issued such a permit by the
18 Department of State Police, or a non-refundable permit fee
19 of \$75 for each renewal of a permit of which \$20 shall be
20 retained by the sheriff or, if the applicant resides within
21 a municipality in a county of 3,000,000 or more
22 inhabitants, by the municipal police department.

23 (iii) A full set of legible fingerprints administered
24 to the applicant by the Department of State Police, or any
25 other federal, State, county or municipal law enforcement
26 agency. Any cost of fingerprinting shall be paid by the
27 applicant.

28 (iv) A photocopy of a certificate or other evidence of
29 completion of a course to show compliance with Section 90
30 of this Act.

31 Section 40. Approval of application.

32 (a) If the Department of State Police finds that the
33 applicant possesses a valid Firearm Owner's Identification
34 Card, meets the training requirements of this Act and has

1 provided the documentation and paid the fees required for
2 issuance of a concealed firearms permit, and that, as nearly as
3 it is possible to determine, nothing in the applicant's
4 background or present circumstances disqualify him or her from
5 possessing a firearm in Illinois, it shall approve the
6 application and issue the applicant a wallet sized permit
7 bearing the photograph of the applicant within 90 days.

8 (b) The Department may consider any objection or
9 recommendation made by the sheriff or municipal police
10 department supported by specific and articulable reasons, in a
11 written report, why the applicant should be denied a permit and
12 may deny the permit based solely on those objections.

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

24 (d) The Department of State Police shall maintain an
25 automated listing of permit holders and pertinent information,
26 and this information shall be available on-line, upon request,
27 at all times to all Illinois law enforcement agencies. Except
28 as provided in this subsection, information on applications for
29 permits, names and addresses, or other identifying information
30 relating to permit holders shall be confidential and shall not
31 be made available except to law enforcement agencies. Requests
32 for information about any permit holder made by persons other
33 than a bona fide law enforcement agency shall be made to the
34 Department of State Police together with any fee required for
35 the providing of information. The Department of State Police
36 shall, upon proper application and the payment of the required

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

15 Section 45. Revocation of a permit.

16 A permit issued under Section 40 shall be suspended or
17 revoked if the permit holder becomes ineligible to be issued a
18 permit under the criteria set forth in subsection (b)(i), (ii),
19 (iii), (iv), (v), and (vi) of Section 25 or subsection (b) of
20 Section 40 of this Act. When an order of protection is issued
21 under Section 112A-14 of the Code of Criminal Procedure of 1963
22 or under Section 214 of the Illinois Domestic Violence Act of
23 1986 against a person holding a permit issued under this Act,
24 the holder of the permit shall surrender the permit to the
25 court or to the officer serving the order. The officer to whom
26 the permit is surrendered shall forthwith transmit the permit
27 to the court issuing the order. The permit shall be suspended
28 until the order is terminated.

29 Section 50. Notification of renewal. Not later than 120
30 days before the expiration of any permit issued under this Act,
31 the Department of State Police shall notify the permit holder
32 in writing of the expiration and furnish an application for
33 renewal of the permit.

1 Section 55. Renewal of permit.

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

10 (b) A permittee who fails to file a renewal application on
11 or before its expiration date must pay an additional late fee
12 of \$25. A person who fails to renew his or her application
13 within 6 months after its expiration must reapply for a new
14 permit and pay the fee for a new application.

15 Section 60. Change of address, change of name or lost or
16 destroyed permits.

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

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

1 of a change of residence.

2 (c) If a permit to carry a concealed firearm is lost or
3 destroyed, the permit shall be automatically invalid, and the
4 person to whom the permit was issued may upon payment of \$25 to
5 the Department of State Police obtain a duplicate, and upon
6 furnishing a notarized statement to the Department of State
7 Police that the permit was lost or destroyed, and submission of
8 an application as set forth in Section 25 and photograph as set
9 forth in paragraph (ii) of Section 30 of this Act.

10 Section 65. Reciprocity. A person who holds a valid permit
11 or license issued by another state of the United States whose
12 home state permits Illinois residents to obtain a permit or
13 license to carry a concealed firearm in that state may apply
14 directly to the Department of State Police for a permit to
15 carry a concealed firearm in Illinois. The Department of State
16 Police shall take whatever steps are necessary to verify that
17 the person applying has a valid permit or license to carry a
18 concealed firearm issued by his or her home state.

19 Section 70. Concealed firearms permit.

20 (a) A concealed firearm permit shall authorize the person
21 in whose name the permit is issued to carry concealed firearms
22 on or about his or her person or vehicle throughout the State.
23 No permit issued under this Section shall authorize any person
24 to carry a concealed firearm into or upon:

25 (i) Any police, sheriff, or highway patrol office or
26 station without the consent of the chief law enforcement
27 officer in charge of that office or station.

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

30 (iii) Any courthouse, solely occupied by the Circuit,
31 Appellate, or Supreme Court or a courtroom of any of those
32 courts, or court proceeding, except that nothing in this
33 Section shall preclude a judge, holding a concealed firearm
34 permit, from carrying a concealed firearm within a

1 courthouse.

2 (iv) Any meeting of the governing body of a unit of
3 local government; or any meeting of the General Assembly or
4 a committee of the General Assembly, except that nothing in
5 this Section shall preclude a member of the body holding a
6 concealed firearms permit from carrying a concealed
7 firearm at a meeting of the body which he or she is a
8 member.

9 (v) The General Assembly or a county or municipality
10 may by statute or ordinance prohibit or limit the carrying
11 of concealed firearms by permit holders in that portion of
12 a building owned, leased or controlled by that unit of
13 government. That portion of a building in which the
14 carrying of concealed firearms is prohibited or limited
15 shall be clearly identified by signs posted at the entrance
16 to the restricted area. The statute or ordinance shall
17 exempt any building used for public housing by private
18 persons, highways or rest areas, firing ranges, and private
19 dwellings owned, leased, or controlled by that unit of
20 government from any restriction on the carrying or
21 possession of a firearm. The statute or ordinance shall not
22 specify any criminal penalty for its violation but may
23 specify that persons violating the statute or ordinance may
24 be denied entrance to the building, ordered to leave the
25 building and if the employees of the unit of government, be
26 subjected to disciplinary measures for violation of the
27 provisions of the statute or ordinance. The provisions of
28 this Section shall not apply to any other unit of
29 government.

30 (vi) Any portion of an establishment licensed to
31 dispense beer or alcoholic beverages for consumption on the
32 premises, which portion of the establishment is primarily
33 devoted to that purpose.

34 This paragraph (vi) does not apply to any bona fide
35 restaurant open to the general public having dining
36 facilities for not less than 50 persons and that receives

1 at least 50% of its gross annual income from the dining
2 facilities by the sale of food.

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

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

7 (ix) Any elementary or secondary school facility
8 without the consent of school authorities.

9 (x) Any portion of a building used as a child care
10 facility without the consent of the manager. Nothing in
11 this Section shall prevent the operator of a child care
12 facility in a family home from owning or possessing a
13 firearm or permit.

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

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

17 (xiii) Any stadium, arena or collegiate or
18 professional sporting event.

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

20 A violation of this subsection (a) is a Class A
21 misdemeanor.

22 A concealed firearm permit does not authorize the concealed
23 carrying or transportation of a stun gun or taser.

24 (b) The owner, business or commercial lessee, manager of a
25 private business enterprise, or any other organization,
26 entity, or person may prohibit persons holding a permit for
27 concealed firearms from carrying concealed firearms on the
28 premises and may prohibit employees, not authorized by the
29 employer, holding a permit for concealed firearms from carrying
30 concealed firearms on the property of the employer. If the
31 building or the premises are open to the public, the employer
32 of the business enterprise shall post signs on or about the
33 premises if carrying a concealed firearm is prohibited.
34 Possession of a firearm in a vehicle on the premises shall not
35 be a criminal offense so long as the firearm is not removed
36 from the vehicle or brandished while the vehicle is on the

1 premises. An employer may prohibit employees or other persons
2 holding a permit for a concealed firearm from carrying a
3 concealed firearm in vehicles owned by the employer. Carrying
4 of a concealed firearm in a location specified in this
5 subsection by a permit holder shall not be a criminal act but
6 may subject the person to denial to the premises or removal
7 from the premises.

8 Section 75. Immunity of Department, sheriff, municipal
9 police department, and their employees and agents. The
10 Department of State Police, office of the county sheriff, or
11 municipal police department or any employee or agent of the
12 Department of State Police, county sheriff, or municipal police
13 department, shall not be liable for damages in any civil action
14 arising from alleged wrongful or improper granting, renewing,
15 or failure to revoke permits issued under this Act. The office
16 of the county sheriff or municipal police department or any
17 employee or agent of the office of the county sheriff or
18 municipal police department shall not be liable for submitting
19 specific and articulable reasons why an applicant should be
20 denied a permit.

21 Section 85. Fees. Fees collected under this Act and
22 deposited into the Citizen Safety and Self-Defense Trust Fund
23 shall be used exclusively for administering the provisions of
24 this Act; except that, commencing January 1, 2004, any excess
25 monies in the Fund may be used to ensure the prompt and
26 efficient processing of applications received under Section 30
27 of this Act.

28 (i) Fees for a concealed firearms permit shall be:

29 New permit..\$100

30 Renewal..\$75

31 Duplicate due to lost or destroyed..\$25

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

33 Late renewal fee..\$25

34 (ii) The Secretary of State shall conduct a study, to

1 determine the cost and feasibility of creating a method of
2 adding an identifiable code, background, or other means to show
3 that an individual has been issued a permit to carry a
4 concealed firearm by the Department of State Police on the
5 person's driver's license. By March 1 of each year, the
6 Department of State Police shall submit a statistical report to
7 the Governor, the President of the Senate and the Speaker of
8 the House of Representatives, indicating the number of permits
9 issued, revoked, suspended, denied and issued after appeal
10 since the last report and in total and also the number of
11 permits currently valid. The report shall also include the
12 number of arrests, convictions and types of crimes since the
13 last report by individuals issued permits to carry a concealed
14 firearm.

15 Section 90. Applicant training.

16 (a) The applicant training course shall be the standardized
17 training course furnished by the Department and taught by a
18 qualified firearms instructor, consisting of:

19 (1) Twelve hours of classroom instruction, covering at
20 least the following topics:

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

23 (ii) the basic principles of marksmanship;

24 (iii) care and cleaning of handguns; and

25 (iv) by means of a videotape produced or approved
26 by the Department:

27 (A) the requirements for obtaining a concealed
28 firearms permit in this State;

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

33 (C) laws relating to the justifiable use of
34 force as prescribed in Article 7 of the Criminal
35 Code of 1961.

1 (2) live firing exercises of sufficient duration for
2 each applicant to fire a handgun:

3 (i) from a standing position;

4 (ii) a minimum of 20 rounds;

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

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

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

13 (2) An applicant training course students shall
14 complete a course application form, which shall include a
15 statement acknowledging receipt of copies of pertinent
16 statutory provisions listed in clauses (A), (B), and (C) of
17 subparagraph (iv) of paragraph (1) of subsection (a) and a
18 liability waiver.

19 (3) The course application form may be obtained from
20 the qualified firearms instructor at the time of the
21 course.

22 (d) Qualified firearms instructors shall not discuss the
23 content of the video tape or the content of the statutory
24 provisions listed in clauses (A), (B), and (C) of subparagraph
25 (iv) of paragraph (1) of subsection (a) with students, either
26 individually or as a class.

27 (e) At the conclusion of the classroom portion of the
28 applicant training course, the qualified firearms instructor
29 shall:

30 (1) distribute a standard course examination to the
31 students;

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

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

36 (4) not grade the examinations in the presence of

1 students; and

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

5 (f) A person shall not:

6 (1) Make an unauthorized copy of the applicant training
7 course examination, in whole or in part;

8 (2) Possess the applicant training course examination,
9 or questions from the examination, unless authorized by the
10 Department; or

11 (3) Divulge the contents of an applicant training
12 course examination questions to another person.

13 (g) (1) Students shall provide their own safe, functional
14 handgun and factory-loaded ammunition.

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

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

18 (ii) not allow the firing of a handgun that is not
19 in sound mechanical condition or otherwise may pose a
20 safety hazard.

21 (h) Grades of "passing" shall not be given on range work to
22 an applicant who:

23 (1) does not follow the orders of the certified
24 firearms instructor;

25 (2) in the judgment of the certified firearms
26 instructor, handles a firearm in a manner that poses a
27 danger to the applicant or to others; or

28 (3) during the testing portion of the range work fails
29 to hit the silhouette portion of the target with a majority
30 of 20 rounds.

31 (i) Certified firearms instructors shall:

32 (1) allow monitoring of their classes by officials of
33 any certifying agency;

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

36 (3) not divulge course records except as authorized by

1 the certifying agency.

2 (j) (1) Fees for applicant training courses shall not
3 exceed \$75 per student.

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

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

8 (k) An applicant training course shall not have more than
9 40 students in the classroom portion or more than 5 students
10 per range officer engaged in range firing.

11 (l) Within 3 working days after the completion of the
12 course, the certified firearms instructor shall:

13 (1) grade the examinations and

14 (2) mail to the Department:

15 (i) the completed course application form,
16 showing the student's score on the written
17 examination and indicating whether the student
18 passed or failed the range work, and

19 (ii) the graded examinations.

20 (m) Within 15 days after receipt of the material described
21 in section (l), the Department shall mail to the applicant:

22 (i) A certificate of successful course completion; or

23 (ii) Notification that the applicant has failed the
24 course and will not be certified.

25 (n) A student shall be issued a certificate of completion
26 if he or she:

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

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

30 (o) (i) Students who score below 70% on the written
31 examination may retake the examination one time without having
32 to retake the course.

33 (ii) Students who do not achieve a grade of "passing"
34 on the range work may repeat the range work one time
35 without having to retake the course.

36 (iii) Notices of failure will include information on

1 whether the student failed the written exam, the range
2 firing, or both.

3 Section 95. Firearms instructors training.

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

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

10 (c) Persons who are not certified instructor trainers shall
11 not teach instructor qualification courses.

12 (d) Persons wishing to become qualified firearms
13 instructors shall:

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

15 (2) be a citizen of the United States; and

16 (3) meet the requirements of subsection (b) of Section
17 25.

18 (e) Persons wishing to become instructor trainers, in
19 addition to the requirements of subsection (d) of this Section,
20 shall:

21 (1) possess a high school diploma or GED certificate,

22 (2) have at least one of the following valid firearms
23 instructor certifications:

24 (I) National Rifle Association Personal Protection
25 Instructor;

26 (II) National Rifle Association Pistol
27 Marksmanship Instructor;

28 (III) Certification from a firearms instructor's
29 course offered by a State or federal governmental
30 agency; or

31 (IV) A similar firearms instructor qualifying
32 course, approved the Director of State Police or his or
33 her designee.

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

35 (2) An applicant may be disqualified from taking

1 firearms instructor training, or have his or her instructor
2 qualification revoked if the applicant:

3 (A) does not meet the requirements of this Act to
4 possess a concealed firearms permit;

5 (B) provides false or misleading information on
6 the application; or

7 (C) has had a prior instructor qualification
8 revoked by the Department.

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

11 (1) Sixteen hours of classroom instruction covering at
12 least the following topics:

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

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

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

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

23 (D) the conduct of applicant training courses;

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

25 (F) the basic nomenclature of handguns;

26 (G) the basic principles of marksmanship; and

27 (H) the safe handling of handguns.

28 (2) A classroom demonstration, during which the
29 instructor candidate shall receive instruction on and
30 demonstrate competency in the ability to prepare and
31 deliver a classroom presentation using materials from the
32 applicant curriculum.

33 (3) Range instruction and firing of live ammunition,
34 during which the instructor candidate shall receive
35 instruction on and demonstrate competency in the ability
36 to:

1 (i) handle and fire a handgun safely and
2 accurately;

3 (ii) conduct a function test and safety inspection
4 of common types of handguns;

5 (iii) clean common types of handguns; and

6 (iv) supervise and conduct live firing exercises
7 in a safe and efficient manner.

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

10 (1) A minimum score of 70% on a written examination
11 covering the material taught during the classroom portion
12 of the course;

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

17 (i) ten rounds from 7 yards; and

18 (ii) ten rounds from 15 yards; and

19 (iii) a score of "passing" from the course
20 instructor for demonstrating competency in each of
21 the following:

22 (A) Supervising and conducting live fire;

23 (B) Cleaning and inspecting handguns; and

24 (C) Preparing and delivering the classroom
25 lecture.

26 (i) Instructor candidates who fail to meet the minimum
27 requirements of subsection (h) of this Section may retake the
28 examination, range work, or classroom demonstration one time
29 without having to repeat the course.

30 (j) Qualified firearms instructor and instructor trainer
31 certificates shall be valid for 3 years from date of issue.
32 Qualified firearms instructors or instructor trainers may
33 renew their certification by successfully completing a
34 refresher course offered or approved by the Department.

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

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

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

6 (1) Course participants shall provide their own safe,
7 functional handgun and factory-loaded ammunition.

8 (m) Prior to conducting range firing, the course instructor
9 shall:

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

11 (ii) not allow the firing of a handgun which is not in
12 sound mechanical condition or otherwise may pose a safety
13 hazard.

14 Section 100. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 905. The Firearm Owners Identification Card Act is
17 amended by changing Section 13.1 as follows:

18 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

19 Sec. 13.1. The provisions of any ordinance enacted by any
20 municipality which requires registration or imposes greater
21 restrictions or limitations on the acquisition, possession and
22 transfer of firearms than are imposed by this Act, are not
23 invalidated or affected by this Act, except that an ordinance
24 of a unit of local government, including a home rule unit, is
25 invalid if it is inconsistent with the Family and Personal
26 Protection Act. It is declared to be the policy of this State
27 that the regulation of the right to carry concealed firearms is
28 an exclusive power and function of the State. A home rule unit
29 may not regulate the issuance of permits to carry concealed
30 firearms. This Section is a denial and limitation of home rule
31 powers and functions under subsection (h) of Section 6 of
32 Article VII of the Illinois Constitution.

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

1 Section 910. The Criminal Code of 1961 is amended by
2 changing Section 24-2 as follows:

3 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

4 Sec. 24-2. Exemptions.

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

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

10 (2) Wardens, superintendents and keepers of prisons,
11 penitentiaries, jails and other institutions for the
12 detention of persons accused or convicted of an offense,
13 while in the performance of their official duty, or while
14 commuting between their homes and places of employment.

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

19 (4) Special agents employed by a railroad or a public
20 utility to perform police functions, and guards of armored
21 car companies, while actually engaged in the performance of
22 the duties of their employment or commuting between their
23 homes and places of employment; and watchmen while actually
24 engaged in the performance of the duties of their
25 employment.

26 (5) Persons licensed as private security contractors,
27 private detectives, or private alarm contractors, or
28 employed by an agency certified by the Department of
29 Professional Regulation, if their duties include the
30 carrying of a weapon under the provisions of the Private
31 Detective, Private Alarm, Private Security, and Locksmith
32 Act of 2004, while actually engaged in the performance of
33 the duties of their employment or commuting between their
34 homes and places of employment, provided that such

1 commuting is accomplished within one hour from departure
2 from home or place of employment, as the case may be.
3 Persons exempted under this subdivision (a)(5) shall be
4 required to have completed a course of study in firearms
5 handling and training approved and supervised by the
6 Department of Professional Regulation as prescribed by
7 Section 28 of the Private Detective, Private Alarm, Private
8 Security, and Locksmith Act of 2004, prior to becoming
9 eligible for this exemption. The Department of
10 Professional Regulation shall provide suitable
11 documentation demonstrating the successful completion of
12 the prescribed firearms training. Such documentation shall
13 be carried at all times when such persons are in possession
14 of a concealable weapon.

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

1 Private Alarm, Private Security, and Locksmith Act of 2004.
2 Such firearm authorization card shall be carried by the
3 security guard at all times when he or she is in possession
4 of a concealable weapon.

5 (7) Agents and investigators of the Illinois
6 Legislative Investigating Commission authorized by the
7 Commission to carry the weapons specified in subsections
8 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
9 any investigation for the Commission.

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

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

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

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

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

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

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

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

28 (14) Manufacture, transportation, or sale of weapons
29 to persons authorized under subdivisions (1) through
30 (13.5) of this subsection to possess those weapons.

31 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
32 24-1.6 do not apply to or affect any of the following:

33 (1) Members of any club or organization organized for
34 the purpose of practicing shooting at targets upon
35 established target ranges, whether public or private, and
36 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 with a license or
6 permit while engaged in hunting, trapping or fishing.

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

9 (5) Carrying a concealed firearm by a permittee who has
10 been issued a permit to carry a concealed firearm under the
11 Family and Personal Protection Act.

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

14 (1) Peace officers while in performance of their
15 official duties.

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

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

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

27 (5) Persons licensed under federal law to manufacture
28 any weapon from which 8 or more shots or bullets can be
29 discharged by a single function of the firing device, or
30 ammunition for such weapons, and actually engaged in the
31 business of manufacturing such weapons or ammunition, but
32 only with respect to activities which are within the lawful
33 scope of such business, such as the manufacture,
34 transportation, or testing of such weapons or ammunition.
35 This exemption does not authorize the general private
36 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
35 Section 24-1.6 do not apply to members of any club or
36 organization organized for the purpose of practicing shooting

1 at targets upon established target ranges, whether public or
2 private, while using their firearms on those target ranges.

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

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

8 (2) Bonafide collectors of antique or surplus military
9 ordinance.

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

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

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

1 transportation, those devices shall be detached from any weapon
2 or not immediately accessible.

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

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

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

23 Section 999. Effective date. This Act takes effect upon
24 becoming law.