



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4738

Introduced 01/12/06, by Rep. John E. Bradley

SYNOPSIS AS INTRODUCED:

New Act

720 ILCS 5/24-2

720 ILCS 5/24-11 new

from Ch. 38, par. 24-2

Creates the Personal Protection for Judges and State's Attorneys Act. Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Authorizes the county sheriff to issue concealed firearms permits to Judges, State's Attorneys, and Assistant State's Attorneys. Requires an applicant to complete a training course in handgun use, safety, and marksmanship. Amends the Criminal Code of 1961. Exempts, from an unlawful use of weapons and aggravated unlawful use of weapons violation, Judges, State's Attorneys, and Assistant State's Attorneys who carry or possess firearms in accordance with the Personal Protection for Judges and State's Attorneys Act. Preempts home rule. Effective immediately.

LRB094 15772 RLC 50987 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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
5 Personal Protection for Judges and State's Attorneys 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 county sheriff the authority to regulate or
17 restrict the issuing of concealed firearms permits provided for
18 in this Act beyond those provisions contained in this Act.

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

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

24 "Judge" means an Illinois Supreme Court Judge, an Appellate
25 Judge, a Circuit Judge, an Associate Judge, a United States
26 Circuit Court of Appeals Judge, a United States District Court
27 Judge, or a United States Magistrate Judge.

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

30 "Permit" means a permit to carry a concealed firearm issued
31 by the county sheriff.

1 "Permittee" means a person who is issued a permit to carry
2 a concealed firearm by the county sheriff.

3 "State's Attorney" means an official described in Section
4 19 of Article VI of the Illinois Constitution who has the
5 powers and duties prescribed in Section 3-9005 of the Counties
6 Code and includes an attorney appointed by the court under
7 Section 3-9008 of that Code to perform the duties of the
8 State's Attorney when the State's Attorney is sick or absent,
9 or unable to attend, or is interested in the cause or
10 proceeding, civil or criminal, which it is the duty of the
11 State's Attorney to prosecute or defend.

12 "Assistant State's Attorney" means a licensed
13 attorney-at-law of this State who is appointed or employed by
14 the State's Attorney to perform the duties of the State's
15 Attorney under the State's Attorney's direction and control.

16 Section 15. Permit for concealed firearms. The county
17 sheriff is authorized to issue permits to carry concealed
18 firearms to persons qualified as provided in this Act. Permits
19 to carry concealed firearms shall be valid throughout the State
20 for a period of 3 years from the date of issuance. Any person
21 in compliance with the terms of the permit may carry concealed
22 firearms on or about his or her person. The permittee shall
23 carry the permit at all times the permittee is carrying a
24 concealed firearm and shall display the permit upon the request
25 of a law enforcement officer.

26 Section 20. Application for permit and qualifications of
27 applicants.

28 (a) An applicant for a permit shall obtain the application
29 from the county sheriff. The application for a permit or
30 renewal of a permit to carry a concealed firearm shall be
31 submitted to the office of the sheriff of the county in which
32 the applicant resides. The completed application and all
33 accompanying material plus an application fee of \$100 for a new
34 permit or \$75 for a renewal shall be presented to the office of

1 the sheriff of the county in which the applicant resides.

2 The sheriff shall evaluate the application, accompanying
3 material and any objections to the application within 10
4 working days. The application fee shall be retained by the
5 office of the sheriff for official expenses of the office.

6 The sheriff may state specific and articulable reasons to
7 deny an application for a concealed firearms permit. He or she
8 shall articulate the reasons for denial in a written report and
9 maintain that report in his or her office along with the
10 completed application which shall be available to the applicant
11 for a concealed firearms permit. Within 90 days, the sheriff
12 shall either issue or deny the permit.

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

18 (i) Is a Judge, State's Attorney, or Assistant State's
19 Attorney as defined in this Act;

20 (ii) Is at least 21 years of age;

21 (iii) Resides within the State of Illinois and is a
22 permanent resident of the United States;

23 (iv) Has not been convicted of a crime punishable by
24 imprisonment for a term exceeding one year, or of a
25 misdemeanor evidencing violence, is not free on any form of
26 bond or pretrial release, and has no outstanding warrants
27 for those crimes;

28 (v) Has no record of mental disease or mental illness
29 on file that would evidence incapacity, or lack of proper
30 mental capacity;

31 (vi) Has not been committed to a state or federal
32 facility for the abuse of a controlled substance or
33 cannabis and has not been convicted of a misdemeanor
34 violation of the Illinois Controlled Substances Act or
35 Cannabis Control Act or similar laws of any other state
36 relating to controlled substances or cannabis within a 10

1 year period immediately preceding the date on which the
2 application is submitted; and

3 (vii) Does not chronically and habitually use
4 alcoholic beverages as evidenced by the applicant having 2
5 or more convictions for violating Section 11-501 of the
6 Illinois Vehicle Code or a similar provision of a local
7 ordinance within 5 years preceding his or her application
8 or the applicant having elected treatment under the
9 supervision of a licensed program in accordance with the
10 Alcoholism and Other Drug Abuse and Dependency Act or
11 similar laws of any other state within a 5 year period
12 immediately preceding the date on which the application is
13 submitted.

14 Section 25. Contents of application. The initial
15 application shall be in writing, under oath and under the
16 penalties of perjury, on a standard form promulgated by the
17 county sheriff and shall be accompanied by the appropriate fees
18 and required documentation. The application shall contain only
19 the following information:

20 (1) proof that the applicant is a Judge, State's
21 Attorney, or Assistant State's Attorney;

22 (2) the applicant's name, address, gender, and date and
23 place of birth;

24 (3) a head and shoulder color photograph taken within
25 30 days preceding the date on which the application is
26 submitted;

27 (4) questions to certify or demonstrate that the
28 applicant has completed the firearms and deadly use of
29 force training and education prerequisites specified under
30 this Act;

31 (5) a statement that the applicant is a resident of the
32 State of Illinois and is a permanent resident of the United
33 States;

34 (6) a waiver of privacy and confidentiality rights and
35 privileges enjoyed by the applicant under all federal and

1 state laws governing access to juvenile court, criminal
2 justice, psychological, or psychiatric records, or records
3 relating to the applicant's history of
4 institutionalization, and an affirmative request that any
5 person having custody of any such record provide it or
6 information concerning it to the sheriff;

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

10 (8) an affirmation that the applicant is at least 21
11 years of age, that the applicant possesses a currently
12 valid Illinois Firearm Owner's Identification Card,
13 together with the card number, or is applying for the card
14 in conjunction with the concealed firearms permit
15 application;

16 (9) an affirmation that the applicant has never been
17 convicted of any felony or of a misdemeanor involving the
18 use or threat of physical force or violence to any person;
19 and has never been adjudicated a delinquent minor for an
20 offense which, had he or she been tried as an adult, would
21 have been such a felony or misdemeanor.

22 The application shall also contain the following statement
23 along with a signature line for use by the applicant, which
24 statement the applicant shall affirm under oath: "I, the
25 undersigned, state, under oath and subject to the penalty of
26 perjury, that I am not a streetgang member as defined in
27 Section 10 of the Illinois Streetgang Terrorism Omnibus
28 Prevention Act, and I will not join or become associated with a
29 criminal streetgang."

30 Section 30. Submission of identifying information; fee. In
31 addition to the completed application, the applicant must also
32 submit the following to the sheriff of the county in which the
33 applicant resides:

34 (i) A head and shoulder color photograph as required by
35 Section 25 in a size specified by the sheriff taken within

1 30 days preceding the date on which the application is
2 submitted.

3 (ii) A non-refundable permit fee of \$100 if he or she
4 has not previously been issued such a permit by the county
5 sheriff, or a non-refundable permit fee of \$75 for each
6 renewal of a permit.

7 (iii) A photocopy of a certificate or other evidence of
8 completion of a course to show compliance with Section 80
9 of this Act.

10 Section 35. Approval of application.

11 (a) If the sheriff finds that the applicant possesses a
12 valid Firearm Owner's Identification Card, meets the training
13 requirements of this Act and has provided the documentation and
14 paid the fees required for issuance of a concealed firearms
15 permit, and that, as nearly as it is possible to determine,
16 nothing in the applicant's background or present circumstances
17 disqualify him or her from possessing a firearm in Illinois, he
18 or she shall approve the application and issue the applicant a
19 wallet sized permit bearing the photograph of the applicant
20 within 90 days.

21 (b) The sheriff may consider any objection or
22 recommendation supported by specific and articulable reasons,
23 in a written report, why the applicant should be denied a
24 permit and may deny the permit based solely on those
25 objections.

26 (c) If the applicant is found to be ineligible, the sheriff
27 shall deny the application and notify the applicant in writing,
28 stating the grounds for denial and informing the applicant of
29 the right to submit, within 30 days, any additional
30 documentation relating to the grounds of the denial. Upon
31 receiving any additional documentation, the sheriff shall
32 reconsider his or her decision and inform the applicant within
33 30 days of the result of the reconsideration. The applicant
34 shall further be informed of the right to appeal the denial in
35 the circuit court of his or her place of residence.

1 (d) The sheriff shall maintain an automated listing of
2 permit holders and pertinent information, and this information
3 shall be available on-line, upon request, at all times to all
4 Illinois law enforcement agencies. Except as provided in this
5 subsection, information on applications for permits, names and
6 addresses, or other identifying information relating to permit
7 holders shall be confidential and shall not be made available
8 except to law enforcement agencies. No requests for lists of
9 local or statewide permit holders shall be made to any State or
10 local law enforcement agency. No other agency of government
11 other than the sheriff shall provide any information to a
12 requester not entitled to it by law. The names of all persons,
13 other than law enforcement agencies and peace officers,
14 requesting information under this Section shall be public
15 records.

16 Section 40. Revocation of a permit. A permit issued under
17 Section 35 shall be suspended or revoked if the permit holder
18 becomes ineligible to be issued a permit under the criteria set
19 forth in paragraphs (i), (ii), (iii), (iv), (v), (vi), and
20 (vii) of subsection (b) of Section 20 or subsection (b) of
21 Section 35 of this Act. When an order of protection is issued
22 under Section 112A-14 of the Code of Criminal Procedure of 1963
23 or under Section 214 of the Illinois Domestic Violence Act of
24 1986 against a person holding a permit issued under this Act,
25 the holder of the permit shall surrender the permit to the
26 court or to the officer serving the order. The officer to whom
27 the permit is surrendered shall forthwith transmit the permit
28 to the court issuing the order. The permit shall be suspended
29 until the order is terminated.

30 Section 45. Notification of renewal. Not later than 120
31 days before the expiration of any permit issued under this Act,
32 the sheriff shall notify the permit holder in writing of the
33 expiration and furnish an application for renewal of the
34 permit.

1 Section 50. 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 (1)
6 through (9) of Section 25, 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 the permit's expiration date must pay an additional
12 late fee of \$25. A person who fails to renew his or her permit
13 within 6 months after its expiration must reapply for a new
14 permit and pay the fee for a new application.

15 Section 55. 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 sheriff of the loss, destruction, change of name, or change of
21 residence. Failure to notify the sheriff shall constitute a
22 noncriminal violation with a penalty of \$25 payable to the
23 sheriff.

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 sheriff obtain a corrected concealed
28 firearms permit with a change of address or change of name upon
29 furnishing a notarized statement to the sheriff that the
30 permittee has changed residence or his or her name and upon
31 submission of an application as set forth in Section 20 and a
32 photograph as set forth in paragraph (3) of Section 25 of this
33 Act. A concealed firearms permit shall be automatically invalid
34 after 30 days if the permittee has not notified the sheriff of

1 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 sheriff obtain a duplicate, and upon furnishing a notarized
6 statement to the sheriff that the permit was lost or destroyed,
7 and submission of an application as set forth in Section 20 and
8 a photograph as set forth in paragraph (3) of Section 25 of
9 this Act.

10 Section 60. Concealed firearms permit.

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

16 (i) Any municipal police, sheriff, or State Police
17 office or station without the consent of the chief law
18 enforcement officer in charge of that office or station.

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

21 (iii) Any courthouse, solely occupied by the Circuit,
22 Appellate, or Supreme Court or a courtroom of any of those
23 courts, or court proceeding, except that nothing in this
24 Section shall preclude a judge, State's Attorney, or
25 Assistant State's Attorney holding a concealed firearm
26 permit, from carrying a concealed firearm within a
27 courthouse.

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

35 The General Assembly or a county or municipality may by

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

21 (v) Any portion of an establishment licensed to
22 dispense beer or alcoholic beverages for consumption on the
23 premises, which portion of the establishment is primarily
24 devoted to that purpose.

25 This paragraph (v) does not apply to any bona fide
26 restaurant open to the general public having dining
27 facilities for not less than 50 persons and that receives
28 at least 50% of its gross annual income from the dining
29 facilities by the sale of food.

30 (vi) Any area of an airport to which access is
31 controlled by the inspection of persons and property.

32 (vii) Any place where the carrying of a firearm is
33 prohibited by federal law.

34 (viii) Any elementary or secondary school facility
35 without the consent of school authorities.

36 (ix) Any portion of a building used as a child care

1 facility without the consent of the manager. Nothing in
2 this Section shall prevent the operator of a child care
3 facility in a family home from owning or possessing a
4 firearm or permit.

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

7 (xi) Any gated area of an amusement park.

8 (xii) Any stadium, arena, or collegiate or
9 professional sporting event.

10 (xiii) A church or other place of religious worship.

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

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

15 (b) The owner, business or commercial lessee, manager of a
16 private business enterprise, or any other organization,
17 entity, or person may prohibit persons holding a permit for
18 concealed firearms from carrying concealed firearms on the
19 premises and may prohibit employees, not authorized by the
20 employer, holding a permit for concealed firearms from carrying
21 concealed firearms on the property of the employer. If the
22 building or the premises are open to the public, the employer
23 of the business enterprise shall post signs on or about the
24 premises if carrying a concealed firearm is prohibited.
25 Possession of a firearm in a vehicle on the premises shall not
26 be a criminal offense so long as the firearm is not removed
27 from the vehicle or brandished while the vehicle is on the
28 premises. An employer may prohibit employees or other persons
29 holding a permit for a concealed firearm from carrying a
30 concealed firearm in vehicles owned by the employer. Carrying
31 of a concealed firearm in a location specified in this
32 subsection by a permit holder shall not be a criminal act but
33 may subject the person to denial to the premises or removal
34 from the premises.

35 Section 65. Immunity of sheriff and his or her employees

1 and agents. The sheriff or office of the county sheriff or any
2 employee or agent of the sheriff shall not be liable for
3 damages in any civil action arising from alleged wrongful or
4 improper granting, renewing, or failure to revoke permits
5 issued under this Act. The office of the county sheriff or any
6 employee or agent of the office of the county sheriff shall not
7 be liable for stating specific and articulable reasons why an
8 applicant should be denied a permit.

9 Section 70. Fees. Fees collected under this Act shall be
10 used for administrating the provisions of this Act.

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

12 New permit..\$100

13 Renewal..\$75

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

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

16 Late renewal fee..\$25

17 (ii) The Secretary of State shall conduct a study to
18 determine the cost and feasibility of creating a method of
19 adding an identifiable code, background, or other means to show
20 that an individual has been issued a permit to carry a
21 concealed firearm by the sheriff on the person's driver's
22 license.

23 Section 75. Applicant training.

24 (a) The applicant training course is a standardized
25 training course taught by a qualified firearms instructor that
26 consists of:

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

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

31 (ii) the basic principles of marksmanship;

32 (iii) care and cleaning of handguns;

33 (iv) laws relating to firearms as prescribed 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; and

3 (v) laws relating to the justifiable use of force
4 as prescribed in Article 7 of the Criminal Code of
5 1961.

6 (2) Live firing exercises of sufficient duration for
7 each applicant to fire a handgun:

8 (i) from a standing position;

9 (ii) a minimum of 20 rounds;

10 (iii) at a distance from a B-21 silhouette target,
11 or an equivalent as approved by the sheriff, of 7
12 yards.

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

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

18 (2) An applicant training course student shall
19 complete a course application form, which shall include a
20 statement acknowledging receipt of copies of pertinent
21 statutory provisions listed in clauses (iv) and (v) of
22 paragraph (1) of subsection (a) and a liability waiver.

23 (3) The course application form may be obtained from
24 the qualified firearms instructor at the time of the
25 course.

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

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

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

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

35 (4) not grade the examinations in the presence of
36 students; and

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

4 (e) A person shall not:

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

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

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

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

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

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

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

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

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

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

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

30 (h) Certified firearms instructors shall:

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

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

35 (3) not divulge course records except as authorized by
36 the certifying agency.

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

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

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

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

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

12 (1) grade the examinations; and

13 (2) mail to the sheriff:

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

18 (ii) the graded examinations.

19 (l) Within 15 days after receipt of the material described
20 in subsection (k), the sheriff shall mail to the applicant:

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

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

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

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

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

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

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

35 (iii) Notices of failure must include information on
36 whether the student failed the written exam, the range

1 firing, or both.

2 Section 80. Firearms instructors training.

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

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

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

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

13 (1) be at least 21 years of age; and

14 (2) be a citizen of the United States.

15 (e) Persons wishing to become instructor trainers, in
16 addition to the requirements of subsection (d) of this Section,
17 shall:

18 (1) possess a high school diploma or GED certificate;
19 and

20 (2) have at least one of the following valid firearms
21 instructor certifications:

22 (I) National Rifle Association Personal Protection
23 Instructor;

24 (II) National Rifle Association Pistol
25 Marksmanship Instructor;

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

29 (IV) A similar firearms instructor qualifying
30 course, approved by the Executive Director of the
31 Illinois Law Enforcement Training Standards Board or
32 his or her designee.

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

34 (2) An applicant may be disqualified from taking
35 firearms instructor training, or have his or her instructor

1 qualification revoked, if the applicant:

2 (A) provides false or misleading information on
3 the application; or

4 (B) has had a prior instructor qualification
5 revoked by the sheriff.

6 Section 85. Severability. The provisions of this Act are
7 severable under Section 1.31 of the Statute on Statutes.

8 Section 900. The Criminal Code of 1961 is amended by
9 changing Section 24-2 and by adding Section 24-11 as follows:

10 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

11 Sec. 24-2. Exemptions.

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

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

17 (2) Wardens, superintendents and keepers of prisons,
18 penitentiaries, jails and other institutions for the
19 detention of persons accused or convicted of an offense,
20 while in the performance of their official duty, or while
21 commuting between their homes and places of employment.

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

26 (4) Special agents employed by a railroad or a public
27 utility to perform police functions, and guards of armored
28 car companies, while actually engaged in the performance of
29 the duties of their employment or commuting between their
30 homes and places of employment; and watchmen while actually
31 engaged in the performance of the duties of their
32 employment.

33 (5) Persons licensed as private security contractors,

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

23 (6) Any person regularly employed in a commercial or
24 industrial operation as a security guard for the protection
25 of persons employed and private property related to such
26 commercial or industrial operation, while actually engaged
27 in the performance of his or her duty or traveling between
28 sites or properties belonging to the employer, and who, as
29 a security guard, is a member of a security force of at
30 least 5 persons registered with the Department of
31 Professional Regulation; provided that such security guard
32 has successfully completed a course of study, approved by
33 and supervised by the Department of Professional
34 Regulation, consisting of not less than 40 hours of
35 training that includes the theory of law enforcement,
36 liability for acts, and the handling of weapons. A person

1 shall be considered eligible for this exemption if he or
2 she has completed the required 20 hours of training for a
3 security officer and 20 hours of required firearm training,
4 and has been issued a firearm authorization card by the
5 Department of Professional Regulation. Conditions for the
6 renewal of firearm authorization cards issued under the
7 provisions of this Section shall be the same as for those
8 cards issued under the provisions of the Private Detective,
9 Private Alarm, Private Security, and Locksmith Act of 2004.
10 Such firearm authorization card shall be carried by the
11 security guard at all times when he or she is in possession
12 of a concealable weapon.

13 (7) Agents and investigators of the Illinois
14 Legislative Investigating Commission authorized by the
15 Commission to carry the weapons specified in subsections
16 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
17 any investigation for the Commission.

18 (8) Persons employed by a financial institution for the
19 protection of other employees and property related to such
20 financial institution, while actually engaged in the
21 performance of their duties, commuting between their homes
22 and places of employment, or traveling between sites or
23 properties owned or operated by such financial
24 institution, provided that any person so employed has
25 successfully completed a course of study, approved by and
26 supervised by the Department of Professional Regulation,
27 consisting of not less than 40 hours of training which
28 includes theory of law enforcement, liability for acts, and
29 the handling of weapons. A person shall be considered to be
30 eligible for this exemption if he or she has completed the
31 required 20 hours of training for a security officer and 20
32 hours of required firearm training, and has been issued a
33 firearm authorization card by the Department of
34 Professional Regulation. Conditions for renewal of firearm
35 authorization cards issued under the provisions of this
36 Section shall be the same as for those issued under the

1 provisions of the Private Detective, Private Alarm,
2 Private Security, and Locksmith Act of 2004. Such firearm
3 authorization card shall be carried by the person so
4 trained at all times when such person is in possession of a
5 concealable weapon. For purposes of this subsection,
6 "financial institution" means a bank, savings and loan
7 association, credit union or company providing armored car
8 services.

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

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

14 (11) Investigators of the Office of the State's
15 Attorneys Appellate Prosecutor authorized by the board of
16 governors of the Office of the State's Attorneys Appellate
17 Prosecutor to carry weapons pursuant to Section 7.06 of the
18 State's Attorneys Appellate Prosecutor's Act.

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

21 (12.5) Probation officers while in the performance of
22 their duties, or while commuting between their homes,
23 places of employment or specific locations that are part of
24 their assigned duties, with the consent of the chief judge
25 of the circuit for which they are employed.

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

30 (13.5) A person employed as an armed security guard at
31 a nuclear energy, storage, weapons or development site or
32 facility regulated by the Nuclear Regulatory Commission
33 who has completed the background screening and training
34 mandated by the rules and regulations of the Nuclear
35 Regulatory Commission.

36 (14) Manufacture, transportation, or sale of weapons

1 to persons authorized under subdivisions (1) through
2 (13.5) of this subsection to possess those weapons.

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

5 (1) Members of any club or organization organized for
6 the purpose of practicing shooting at targets upon
7 established target ranges, whether public or private, and
8 patrons of such ranges, while such members or patrons are
9 using their firearms on those target ranges.

10 (2) Duly authorized military or civil organizations
11 while parading, with the special permission of the
12 Governor.

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

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

17 (5) Carrying a concealed firearm by a permittee who has
18 been issued a permit to carry a concealed firearm under the
19 Personal Protection for Judges and State's Attorneys Act.

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

22 (1) Peace officers while in performance of their
23 official duties.

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

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

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

35 (5) Persons licensed under federal law to manufacture
36 any weapon from which 8 or more shots or bullets can be

1 discharged by a single function of the firing device, or
2 ammunition for such weapons, and actually engaged in the
3 business of manufacturing such weapons or ammunition, but
4 only with respect to activities which are within the lawful
5 scope of such business, such as the manufacture,
6 transportation, or testing of such weapons or ammunition.
7 This exemption does not authorize the general private
8 possession of any weapon from which 8 or more shots or
9 bullets can be discharged by a single function of the
10 firing device, but only such possession and activities as
11 are within the lawful scope of a licensed manufacturing
12 business described in this paragraph.

13 During transportation, such weapons shall be broken
14 down in a non-functioning state or not immediately
15 accessible.

16 (6) The manufacture, transport, testing, delivery,
17 transfer or sale, and all lawful commercial or experimental
18 activities necessary thereto, of rifles, shotguns, and
19 weapons made from rifles or shotguns, or ammunition for
20 such rifles, shotguns or weapons, where engaged in by a
21 person operating as a contractor or subcontractor pursuant
22 to a contract or subcontract for the development and supply
23 of such rifles, shotguns, weapons or ammunition to the
24 United States government or any branch of the Armed Forces
25 of the United States, when such activities are necessary
26 and incident to fulfilling the terms of such contract.

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

33 During transportation, any such weapon shall be broken
34 down in a non-functioning state, or not immediately
35 accessible.

36 (d) Subsection 24-1(a)(1) does not apply to the purchase,

1 possession or carrying of a black-jack or slung-shot by a peace
2 officer.

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

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

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

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

16 (2) Bonafide collectors of antique or surplus military
17 ordinance.

18 (3) Laboratories having a department of forensic
19 ballistics, or specializing in the development of
20 ammunition or explosive ordinance.

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

30 (g-5) Subsection 24-1(a)(6) does not apply to or affect
31 persons licensed under federal law to manufacture any device or
32 attachment of any kind designed, used, or intended for use in
33 silencing the report of any firearm, firearms, or ammunition
34 for those firearms equipped with those devices, and actually
35 engaged in the business of manufacturing those devices,
36 firearms, or ammunition, but only with respect to activities

1 that are within the lawful scope of that business, such as the
2 manufacture, transportation, or testing of those devices,
3 firearms, or ammunition. This exemption does not authorize the
4 general private possession of any device or attachment of any
5 kind designed, used, or intended for use in silencing the
6 report of any firearm, but only such possession and activities
7 as are within the lawful scope of a licensed manufacturing
8 business described in this subsection (g-5). During
9 transportation, those devices shall be detached from any weapon
10 or not immediately accessible.

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

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

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

31 (720 ILCS 5/24-11 new)

32 Sec. 24-11. Preemption. It is declared to be the policy of
33 this State that the regulation of the right to carry concealed
34 firearms is a power and function of the State. A unit of local
35 government, including a home rule unit, may not regulate the

1 carrying of concealed firearms by individuals issued permits by
2 a state agency, sheriff, or local law enforcement department in
3 a manner inconsistent with Section 60 of the Personal
4 Protection for Judges and State's Attorneys Act. This Section
5 is a denial and limitation of home rule powers and functions
6 under subsection (i) of Section 6 of Article VII of the
7 Illinois Constitution.

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.