



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0462

Introduced 2/4/2009, by Rep. Brandon W. Phelps - David Reis -
Patrick J Verschoore

SYNOPSIS AS INTRODUCED:

New Act

50 ILCS 705/10.6 new

720 ILCS 5/24-2

from Ch. 38, par. 24-2

Creates the Family and Personal Protection Act. Permits the county sheriff to issue permits to carry concealed firearms to persons at least 21 years of age who meet certain requirements. Requires an applicant for a permit to have completed specified training requirements developed by the Illinois Law Enforcement Training Standards Board consisting of classroom instruction and live firing exercises. Preempts home rule. Amends the Illinois Police Training Act and the Criminal Code of 1961 to make conforming changes. Effective immediately.

LRB096 04121 RLC 14162 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Family
5 and Personal Protection Act.

6 Section 5. Legislative declaration. On June 26, 2008 the
7 United States Supreme Court issued an opinion in the case of
8 District of Columbia et al. v. Heller. In that decision, the
9 Court's majority stated "Putting all of these textual elements
10 together, we find that they guarantee the individual right to
11 possess and carry weapons in case of confrontation."

12 The General Assembly finds, in keeping with the Heller
13 decision, that as a matter of public policy it is necessary to
14 provide statewide uniform standards for issuing permits to
15 carry concealed firearms and that no person who does not
16 qualify under the provisions of this Act receives a permit to
17 carry concealed firearms. The General Assembly recognizes that
18 it already regulates the use and possession of concealed
19 firearms under Sections 24-1 and 24-1.6 of the Criminal Code of
20 1961 and that the regulation of concealed firearms is an
21 exclusive Statewide function. The General Assembly does not
22 delegate to the county sheriff the authority to regulate or
23 restrict the issuing of concealed firearms permits provided for

1 in this Act beyond those provisions contained in this Act.

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

3 "Board" means the Illinois Law Enforcement Training
4 Standards Board.

5 "Concealed firearm" means a handgun carried on or about a
6 person completely or mostly concealed from view of the public,
7 or carried in a vehicle in such a way as it is concealed from
8 view of the public.

9 "Fund" means the Citizen Safety and Self-Defense Trust Fund
10 in each county.

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

13 "Permit" means a permit to carry a concealed firearm issued
14 by the county sheriff.

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

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

1 concealed firearm and shall display the permit upon the request
2 of a law enforcement officer.

3 Section 20. Application for permit and qualifications of
4 applicants.

5 (a) An applicant for a permit shall obtain the application
6 from the county sheriff of the county in which the applicant
7 resides. The completed application and all accompanying
8 material plus an application fee of \$100 for a new permit or
9 \$75 for a renewal shall be presented to the office of the
10 sheriff of the county in which the applicant resides.

11 The sheriff shall evaluate the application and
12 accompanying material, and within 30 days, the sheriff shall
13 either issue or deny the permit.

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

19 (i) is at least 21 years of age;

20 (ii) resides within the State of Illinois and has been
21 a resident for the last 6 months (except the 6 months shall
22 be waived for members of the Armed Forces) and is a
23 permanent resident of the United States;

24 (iii) has a valid Firearm Owner's Identification Card;

25 (iv) Has not been convicted of a crime punishable by

1 imprisonment for a term exceeding one year, or of a
2 misdemeanor evidencing violence, is not free on any form of
3 bond or pretrial release for a felony or a misdemeanor
4 evidencing violence, and has no outstanding warrants for
5 those crimes;

6 (v) Has no record of mental disease or mental illness
7 on file that would evidence incapacity, or lack of proper
8 mental capacity;

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

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

1 submitted.

2 Section 25. Contents of application. The initial
3 application shall be in writing, under oath and under the
4 penalties of perjury, on a standard form promulgated by the
5 county sheriff and shall be accompanied by the appropriate fees
6 and required documentation. The application shall only contain
7 or require the following information:

8 (i) the applicant's name, address, gender, race, date
9 and place of birth, and driver license or State
10 identification card number;

11 (ii) an affirmation that the applicant is at least 21
12 years of age and that the applicant possesses a currently
13 valid Illinois Firearm Owner's Identification Card,
14 together with the card number and a photocopy of the
15 Firearm Owner's Identification Card;

16 (iii) a full set of legible fingerprints of the
17 applicant taken by any federal, State, county or municipal
18 law enforcement agency. Any cost of fingerprinting shall be
19 paid by the applicant. The State, county or local law
20 enforcement agencies may not charge more than \$10 to
21 fingerprint an applicant;

22 (iv) a head and shoulder color photograph taken within
23 30 days preceding the date on which the application is
24 submitted;

25 (v) questions to certify or demonstrate that the

1 applicant has completed the firearms and deadly use of
2 force training and education prerequisites specified under
3 this Act and a photocopy of a certificate or other evidence
4 of completion of a course to show compliance;

5 (vi) a statement that the applicant is a resident of
6 the State of Illinois and has been a resident for the last
7 6 months (except the 6 months shall be waived for members
8 of the Armed Forces) and is a permanent resident of the
9 United States;

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

18 (viii) an affirmation that the applicant has never been
19 convicted of any felony or of a misdemeanor involving the
20 use or threat of physical force or violence to any person;
21 and has never been adjudicated a delinquent minor for an
22 offense which, had he or she been tried as an adult, would
23 have been such a felony or misdemeanor. The application
24 shall also contain the following statement along with a
25 signature line for use by the applicant, which statement
26 the applicant shall affirm under oath: "I, the undersigned,

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

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

9 Section 30. Fees. Fees collected under this Act and
10 deposited into a Citizen Safety and Self-Defense Trust Fund
11 shall be used exclusively by the sheriff for administering the
12 provisions of this Act. Any excess monies in the Fund may be
13 used to ensure the prompt and efficient processing of
14 applications received under Section 25 of this Act. The
15 application fee shall be retained by the office of the sheriff
16 for official expenses of the office associated with this Act.

17 Fees for a concealed firearms permit shall be:

18 New permit..\$100

19 Renewal..\$75

20 Duplicate of a lost or destroyed permit..\$25

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

22 Late renewal fee..\$25

23 Section 35. Approval of application.

24 (a) If the sheriff finds that the applicant possesses a

1 valid Firearm Owner's Identification Card, meets the training
2 requirements of this Act, and has provided the documentation
3 and paid the fees required for issuance of a concealed firearms
4 permit, and that, as nearly as it is possible to determine,
5 nothing in the applicant's background or present circumstances
6 disqualify him or her from possessing a firearm in Illinois,
7 the Sheriff shall approve the application and issue the
8 applicant a wallet sized permit bearing the photograph, name,
9 and address of the applicant and identifying the office issuing
10 the permit within 30 days.

11 (b) The sheriff may consider an objection or recommendation
12 made by the sheriff or municipal police department supported by
13 specific and articulable reasons, in a written report, why the
14 applicant should be denied a permit and may deny the permit
15 based solely on those objections. If the objection contains
16 false, malicious or inaccurate information, the sheriff or
17 municipal police department filing the objection shall bear all
18 of the applicant's costs if the applicant prevails in an
19 appeal.

20 (c) If the applicant is found to be ineligible, the sheriff
21 shall deny the application, and notify the applicant in
22 writing, stating the grounds for denial and informing the
23 applicant of the right to submit, within 30 days, any
24 additional documentation relating to the grounds of the denial.
25 Upon receiving any additional documentation, the sheriff shall
26 reconsider his decision and inform the applicant within 30 days

1 of the result of the reconsideration. The applicant shall
2 further be informed of the right to appeal the denial in the
3 circuit court of his or her place of residence.

4 Section 40. Revocation of a permit. A permit issued under
5 Section 35 shall be suspended or revoked if the permit holder
6 becomes ineligible to be issued a permit under the criteria set
7 forth in paragraph (i), (ii), (iii), (iv), (v), (vi), or (vii)
8 of Section 25 or subsection (b) of Section 35 of this Act.

9 When an order of protection is issued under Section 112A-14
10 of the Code of Criminal Procedure of 1963 or under Section 214
11 of the Illinois Domestic Violence Act of 1986 against a person
12 holding a permit issued under this Act, the holder of the
13 permit shall surrender the permit to the court or to the
14 officer serving the order. The officer to whom the permit is
15 surrendered shall forthwith transmit the permit to the court
16 issuing the order. The permit shall be suspended until the
17 order is terminated.

18 Section 45. Notification of renewal. Not later than 120
19 days before the expiration of any permit issued under this Act,
20 the sheriff shall notify the permit holder in writing of the
21 expiration and furnish an application for renewal of the
22 permit.

23 Section 50. Renewal of permit.

1 (a) The permit shall be renewed for a qualified applicant
2 upon receipt of the properly completed renewal application and
3 required renewal fee. The renewal application shall contain the
4 same required information as set forth in paragraphs (i)
5 through (ix) of Section 25, except that in lieu of the firearm
6 education and use of deadly force training, the applicant need
7 only demonstrate previous issuance of and continued
8 eligibility for a concealed firearms permit.

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

14 Section 55. Change of address, change of name, and lost or
15 destroyed permits.

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

23 (b) If a person issued a permit to carry a concealed
24 firearm changes residence within this State, or changes his or
25 her name, the person to whom the permit was issued may, upon

1 payment of \$25 and presentation of their current permit to the
2 sheriff, obtain a corrected concealed firearms permit with a
3 change of address or change of name upon furnishing a notarized
4 statement to the sheriff that the permittee has changed
5 residence or his or her name, and upon submission of an
6 application as set forth in paragraph (i) of Section 25 and a
7 photograph as set forth in paragraph (iv) of Section 25. A
8 concealed firearms permit shall be automatically invalid after
9 30 days if the permittee has not notified the Department of
10 State Police of a change of residence. A permit corrected under
11 this subsection shall be issued in 48 hours.

12 (c) If a permit to carry a concealed firearm is lost or
13 destroyed, the permit shall be automatically invalid, and the
14 person to whom the permit was issued may obtain a duplicate,
15 upon payment of \$25 to the sheriff and furnishing a notarized
16 statement to the sheriff that the permit was lost or destroyed,
17 and submission of an application as set forth in paragraph (i)
18 of Section 25 and a photograph as set forth in paragraph (iv)
19 of Section 25.

20 Section 60. Automated listing.

21 (a) At least monthly, the sheriff shall transmit a listing
22 of all individuals to whom the Sheriff has issued or revoked a
23 permit under this Act. That listing shall contain the name,
24 address, gender, race, date and place of birth, and driver
25 license or State identification card number.

1 (b) The Department of State Police shall maintain an
2 automated listing of permit holders, and this information shall
3 be available on-line, upon request, at all times to all
4 Illinois law enforcement agencies. Except as provided in this
5 Act, 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.

9 Section 65. Privacy of permit holders and applicants.
10 Except as provided in this Section, information on applications
11 for permits, names and addresses, or other identifying
12 information relating to permit holders shall be confidential,
13 not subject to the Illinois Freedom of Information Act, and
14 shall not be made available except to law enforcement agencies.

15 Requests for information about any permit holder or
16 applicant made by persons other than a bona fide law
17 enforcement agency shall be made in writing together with any
18 fee required for providing the information.

19 No State or local law enforcement agency shall provide a
20 list of names of any or all holders or applicants in the State
21 of Illinois or a county licensed to carry a concealed firearm,
22 except that the Department of State Police or sheriff may, upon
23 proper application and the payment of the required fee, provide
24 to the requester, in written form only, confirmation that an
25 individual has or has not been issued, applied for, or denied a

1 permit, or had a permit revoked under this Act. No identifying
2 information other than the name shall be provided.

3 Only the Department of State Police or sheriff may provide
4 statistical information on:

5 (i) the number of permits or applicants issued or
6 received;

7 (ii) the race, age, or gender of those issued permits
8 or applicants;

9 (iii) the county of residence of those issued permits
10 or applicants;

11 (vi) the number of permits revoked and for what reason.

12 Nothing in this Section shall prevent any law enforcement
13 agency from releasing information about an individual as part
14 of a criminal investigation.

15 The names of all persons, other than law enforcement
16 agencies and peace officers, requesting information under this
17 Section shall be public records. No other agency of government
18 other than the Department of State Police or sheriff shall
19 provide any information to a requester not entitled to it by
20 law.

21 Section 70. Concealed firearms permit.

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

1 to carry a concealed firearm into or upon:

2 (i) Any state or local police or sheriff's office or
3 station without the consent of the chief law enforcement
4 officer in charge of that office or station.

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

7 (iii) Any courthouse solely occupied by the Circuit,
8 Appellate, or Supreme Court or a courtroom of any of those
9 courts, or court proceeding, except that nothing in this
10 Section shall preclude a judge, holding a concealed firearm
11 permit, from carrying a concealed firearm within a
12 courthouse.

13 (iv) Any meeting of the governing body of a unit of
14 local government; or any meeting of the General Assembly or
15 a committee of the General Assembly, except that nothing in
16 this paragraph shall preclude a member of the body or
17 registered lobbyist holding a concealed firearms permit
18 from carrying a concealed firearm at a meeting of the body.

19 The General Assembly or a county or municipality may by
20 statute or ordinance prohibit or limit the carrying of
21 concealed firearms by permit holders, other than
22 permittees described in this paragraph (iv) in that portion
23 of a building owned, leased or controlled by that unit of
24 government. That portion of a building in which the
25 carrying of concealed firearms is prohibited or limited
26 shall be clearly identified by signs posted at the entrance

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

15 (v) Any portion of an establishment licensed to
16 dispense beer or alcoholic beverages for consumption on the
17 premises, which portion of the establishment is primarily
18 devoted to that purpose.

19 This paragraph (v) does not apply to any bona fide
20 restaurant open to the general public having dining
21 facilities for at least 25 persons and that receives at
22 least 50% of its gross annual income from the dining
23 facilities by the sale of food.

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

26 (vii) Any place where the carrying of a firearm is

1 prohibited by federal law.

2 (viii) Inside any elementary or secondary school
3 facility without the consent of school authorities.

4 (ix) Any portion of a building used as a child care
5 facility without the consent of the manager. Nothing in
6 this Section shall prevent the operator of a child care
7 facility in a family home from owning or possessing a
8 firearm or permit.

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

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

12 (xii) Any stadium, arena, or collegiate or
13 professional sporting event.

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

15 A violation of this subsection (a) is a Class A
16 misdemeanor.

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

19 (b) The owner, business or commercial lessee, manager of a
20 private business enterprise, or any other organization,
21 entity, or person may prohibit persons holding a permit for
22 concealed firearms from carrying concealed firearms on the
23 premises and may prohibit employees, not under a collective
24 bargaining agreement, not authorized by the employer, holding a
25 permit for concealed firearms from carrying concealed firearms
26 on the property of the employer. If the building or the

1 premises are open to the public, the employer of the business
2 enterprise shall post signs on or about the premises if
3 carrying a concealed firearm is prohibited. Possession of a
4 firearm in a vehicle on the premises shall not be a criminal
5 offense so long as the firearm is not removed from the vehicle
6 or brandished while the vehicle is on the premises. An employer
7 may prohibit employees, not under a collective bargaining
8 agreement, or other persons holding a permit for a concealed
9 firearm from carrying a concealed firearm in vehicles owned by
10 the employer. Carrying of a concealed firearm in a location
11 specified in this subsection by a permit holder shall not be a
12 criminal act but may subject the person to denial to the
13 premises or removal from the premises.

14 (c) Any owner, business or commercial lessee, manager of a
15 private business enterprise, or any other organization,
16 entity, or person that prohibits persons holding a permit for
17 concealed firearms from carrying concealed firearms on the
18 premises shall be civilly liable for any injury from a criminal
19 act upon a person holding a permit for carrying a concealed
20 firearm who was prohibited from carrying a concealed firearm on
21 the premises.

22 Section 75. Immunity of sheriff, employees, and agents. The
23 office of the county sheriff, or any employee or agent of the
24 county sheriff, shall not be liable for damages in any civil
25 action arising from alleged wrongful or improper granting,

1 renewing, or failure to revoke permits issued under this Act.
2 The office of the county sheriff or any employee or agent of
3 the office of the county sheriff shall not be liable for
4 submitting specific and articulable reasons why an applicant
5 should be denied a permit, unless the objection contains false,
6 malicious or inaccurate information. The sheriff or municipal
7 police department filing the objection shall bear all of the
8 applicant's costs if the applicant prevails in an appeal.

9 Section 80. Applicant training.

10 (a) The applicant training course shall be the standardized
11 training course furnished by the Board and taught by a
12 qualified firearms instructor, consisting of:

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

15 (i) handgun safety in the classroom, at home, on
16 the firing range and while carrying the firearm;

17 (ii) the basic principles of marksmanship;

18 (iii) care and cleaning of handguns;

19 (iv) by means of a videotape produced or approved
20 by the Board:

21 (A) the requirements for obtaining a concealed
22 firearms permit in this State;

23 (B) laws relating to firearms as prescribed in
24 the Firearm Owners Identification Card Act,
25 Article 24 of the Criminal Code of 1961, and 18

1 U.S.C. 921 through 930; and

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

5 (v) a written exam not to exceed 100 questions
6 testing the knowledge of the applicant on the subject
7 matter covered in the course.

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

10 (i) from a standing position;

11 (ii) a minimum of 20 rounds;

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

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

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

20 (2) Applicant training course students shall complete a
21 course application form, which shall include a statement
22 acknowledging receipt of copies of pertinent statutory
23 provisions listed in clauses (A), (B), and (C) of subparagraph
24 (iv) of paragraph (1) of subsection (a) and a liability waiver.

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

1 (d) At the conclusion of the classroom portion of the
2 applicant training course, the qualified firearms instructor
3 shall:

4 (1) distribute a standard course examination to the
5 students;

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

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

10 (4) not grade the examinations in the presence of
11 students; and

12 (5) not divulge an applicant's numeric score on the day
13 of the examination, but the instructor may indicate whether
14 an applicant passed or failed the examination.

15 (f) A person shall not:

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

18 (2) Possess the applicant training course examination,
19 or questions from the examination, unless authorized by the
20 Department; or

21 (3) Divulge the contents of an applicant training
22 course examination question to another person.

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

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

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

2 (ii) not allow the firing of a handgun that is not in
3 sound mechanical condition or otherwise may pose a safety
4 hazard.

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

7 (1) does not follow the orders of the certified
8 firearms instructor;

9 (2) in the judgment of the certified firearms
10 instructor, handles a firearm in a manner that poses a
11 danger to the applicant or to others; or

12 (3) during the testing portion of the range work fails
13 to hit the silhouette portion of the target with a majority
14 of 20 rounds.

15 (i) Certified firearms instructors shall:

16 (1) allow monitoring of their classes by officials of
17 any certifying agency;

18 (2) make all course records available upon demand to
19 authorized personnel of the Board; and

20 (3) not divulge course records except as authorized by
21 the certifying agency.

22 (j) (1) Fees for applicant training courses shall not exceed
23 \$125 per student.

24 (2) Qualified firearms instructors shall collect the
25 fee and remit \$25 of the fee to the Board.

26 (3) Fees shall not be refunded to students who fail or

1 otherwise do not complete the course.

2 (k) An applicant training course shall not have more than
3 40 students in the classroom portion or more than 5 students
4 per range officer engaged in range firing.

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

7 (1) grade the examinations, and

8 (2) mail to the Board:

9 (i) the completed course application form, showing
10 the student's score on the written examination and
11 indicating whether the student passed or failed the
12 range work, and

13 (ii) the graded examinations.

14 (m) Within 15 days after receipt of the material described
15 in subsection (l), the Board shall mail to the applicant:

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

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

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

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

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

24 (o) (i) Students who score below 70% on the written
25 examination may retake the examination one time without having
26 to retake the course.

1 (ii) Students who do not achieve a grade of "passing"
2 on the range work may repeat the range work twice without
3 having to retake the course.

4 (iii) Notices of failure will include information on
5 whether the student failed the written exam, the range
6 firing, or both.

7 Section 90. Firearms instructor certification. The Board
8 shall certify instructors who have met the requirements of this
9 Section.

10 (a) Persons who are not certified firearms instructors
11 shall not teach applicant training courses.

12 (b) Persons who are not certified firearms instructors
13 shall not advertise or otherwise represent courses they teach
14 as qualifying their students to meet the requirements to
15 receive a permit to carry concealed firearms in this State.

16 (c) Persons who are not certified instructor trainers shall
17 not teach instructor qualification courses.

18 (d) Persons wishing to become certified firearms
19 instructors shall:

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

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

22 (3) meet the requirements of subsection (b) of Section
23 20. Persons wishing to become instructor trainers, in
24 addition to the other requirements of this subsection (d),
25 shall:

1 (A) possess at least a high school diploma or GED
2 certificate,

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

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

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

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

12 (IV) A similar firearms instructor qualifying
13 course, approved by the Police Training Board.

14 (e) (1) Applicants shall agree to background checks.

15 (2) An applicant may be disqualified from becoming a
16 certified instructor, or have his or her instructor
17 qualification revoked if the applicant:

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

20 (B) provides false or misleading information to
21 the Board; or

22 (C) has had a prior instructor qualification
23 revoked by the Board.

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

26 (1) 16 hours of classroom instruction covering at least

1 the following topics:

2 (i) By means of a videotape produced or approved by the
3 Board:

4 (A) the requirements for obtaining a concealed
5 firearms permit in this State;

6 (B) laws relating to firearms as contained in the
7 Firearm Owners Identification Card Act, Article 24 of
8 the Criminal Code of 1961, and 18 U.S.C. 921 through
9 930;

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

12 (D) the conduct of applicant training courses;

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

14 (F) the basic nomenclature of handguns;

15 (G) the basic principles of marksmanship; and

16 (H) the safe handling of handguns.

17 (2) A classroom demonstration, during which the
18 instructor candidate shall receive instruction on and
19 demonstrate competency in the ability to prepare and
20 deliver a classroom presentation using materials from the
21 applicant curriculum.

22 (3) Range instruction and firing of live ammunition,
23 during which the instructor candidate shall receive
24 instruction on and demonstrate competency in the ability
25 to:

26 (i) handle and fire a handgun safely and

1 accurately;

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

4 (iii) clean common types of handguns; and

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

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

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

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

16 (i) ten rounds from 7 yards; and

17 (ii) ten rounds from 15 yards; and

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

21 (A) Supervising and conducting live fire;

22 (B) Cleaning and inspecting handguns; and

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

25 (h) Instructor candidates who fail to meet the minimum
26 requirements of subsection (g) of this Section may retake the

1 examination, range work, or classroom demonstration one time
2 without having to repeat the course.

3 (i) Qualified firearms instructor and instructor trainer
4 certificates shall be valid for 5 years from the date of
5 issuance. Qualified firearms instructors or instructor
6 trainers may renew their certification by successfully
7 completing a refresher course offered or approved by the Board.

8 (j) The fees for instructor trainer or refresher courses
9 shall be \$100 per student.

10 (1) The fees for qualified instructor courses shall be
11 no more than \$100 per student. The instructor trainer shall
12 remit \$25 per student to the Board.

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

15 (k) Course participants shall provide their own safe,
16 functional handgun and factory-loaded ammunition.

17 (l) Prior to conducting range firing, the course instructor
18 shall:

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

20 (ii) not allow the firing of a handgun which is not in
21 sound mechanical condition or otherwise may pose a safety
22 hazard.

23 Section 95. Study. The Secretary of State shall conduct a
24 study, to determine the cost and feasibility of creating a
25 method of adding an identifiable code, background, or other

1 means to show that an individual has been issued a permit to
2 carry a concealed firearm by the sheriff on the person's
3 driver's license or State identification card.

4 Section 100. Report. By March 1 of each year, the
5 Department of State Police shall submit a statistical report to
6 the Governor, the President of the Senate and the Speaker of
7 the House of Representatives, indicating the number of permits
8 issued, revoked, suspended, denied and issued after appeal in
9 the previous calendar year and in total and also the number of
10 permits currently valid. The report shall also include the
11 number of arrests, convictions and types of crimes in the
12 previous calendar year by individuals issued permits to carry a
13 concealed firearm.

14 Section 105. Preemption. The regulating of carrying
15 firearms being an exclusive function of the State under Section
16 24-1 and 24-1.6 of the Criminal Code of 1961, an ordinance of a
17 unit of local government, including a home rule unit, is
18 invalid if it is inconsistent with the Family and Personal
19 Protection Act. It is declared to be the policy of this State
20 that the regulation of the right to carry concealed firearms
21 and the issuance of permits to carry concealed firearms is an
22 exclusive power and function of the State. A home rule unit may
23 not regulate the carrying of concealed firearms. This Section
24 is a denial and limitation of home rule powers and functions

1 under subsection (h) of Section 6 of Article VII of the
2 Illinois Constitution.

3 Section 110. Severability. The provisions of this Act are
4 severable under Section 1.31 of the Statute on Statutes.

5 Section 115. The Illinois Police Training Act is amended by
6 adding Section 10.6 as follows:

7 (50 ILCS 705/10.6 new)

8 Sec. 10.6. Family and Personal Protection Act training
9 course. The Board shall initiate, develop, and oversee a
10 training course for the Family and Personal Protection Act
11 pursuant to that Act. The training course shall include all of
12 the subjects enumerated in the Family and Personal Protection
13 Act. The Board shall issue a certificate to those persons
14 successfully completing the course according to that Act.

15 Section 120. The Criminal Code of 1961 is amended by
16 changing Section 24-2 as follows:

17 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

18 Sec. 24-2. Exemptions.

19 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
20 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
21 the following:

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

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

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

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

20 (5) Persons licensed as private security contractors,
21 private detectives, or private alarm contractors, or
22 employed by an agency certified by the Department of
23 Professional Regulation, if their duties include the
24 carrying of a weapon under the provisions of the Private
25 Detective, Private Alarm, Private Security, Fingerprint
26 Vendor, and Locksmith Act of 2004, while actually engaged

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

17 (6) Any person regularly employed in a commercial or
18 industrial operation as a security guard for the protection
19 of persons employed and private property related to such
20 commercial or industrial operation, while actually engaged
21 in the performance of his or her duty or traveling between
22 sites or properties belonging to the employer, and who, as
23 a security guard, is a member of a security force of at
24 least 5 persons registered with the Department of
25 Professional Regulation; provided that such security guard
26 has successfully completed a course of study, approved by

1 and supervised by the Department of Professional
2 Regulation, consisting of not less than 40 hours of
3 training that includes the theory of law enforcement,
4 liability for acts, and the handling of weapons. A person
5 shall be considered eligible for this exemption if he or
6 she has completed the required 20 hours of training for a
7 security officer and 20 hours of required firearm training,
8 and has been issued a firearm control card by the
9 Department of Professional Regulation. Conditions for the
10 renewal of firearm control cards issued under the
11 provisions of this Section shall be the same as for those
12 cards issued under the provisions of the Private Detective,
13 Private Alarm, Private Security, Fingerprint Vendor, and
14 Locksmith Act of 2004. Such firearm control card shall be
15 carried by the security guard at all times when he or she
16 is in possession of a concealable weapon.

17 (7) Agents and investigators of the Illinois
18 Legislative Investigating Commission authorized by the
19 Commission to carry the weapons specified in subsections
20 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
21 any investigation for the Commission.

22 (8) Persons employed by a financial institution for the
23 protection of other employees and property related to such
24 financial institution, while actually engaged in the
25 performance of their duties, commuting between their homes
26 and places of employment, or traveling between sites or

1 properties owned or operated by such financial
2 institution, provided that any person so employed has
3 successfully completed a course of study, approved by and
4 supervised by the Department of Professional Regulation,
5 consisting of not less than 40 hours of training which
6 includes theory of law enforcement, liability for acts, and
7 the handling of weapons. A person shall be considered to be
8 eligible for this exemption if he or she has completed the
9 required 20 hours of training for a security officer and 20
10 hours of required firearm training, and has been issued a
11 firearm control card by the Department of Professional
12 Regulation. Conditions for renewal of firearm control
13 cards issued under the provisions of this Section shall be
14 the same as for those issued under the provisions of the
15 Private Detective, Private Alarm, Private Security,
16 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
17 control card shall be carried by the person so trained at
18 all times when such person is in possession of a
19 concealable weapon. For purposes of this subsection,
20 "financial institution" means a bank, savings and loan
21 association, credit union or company providing armored car
22 services.

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

26 (10) Persons who have been classified as peace officers

1 pursuant to the Peace Officer Fire Investigation Act.

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

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

9 (12.5) Probation officers while in the performance of
10 their duties, or while commuting between their homes,
11 places of employment or specific locations that are part of
12 their assigned duties, with the consent of the chief judge
13 of the circuit for which they are employed.

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

18 (13.5) A person employed as an armed security guard at
19 a nuclear energy, storage, weapons or development site or
20 facility regulated by the Nuclear Regulatory Commission
21 who has completed the background screening and training
22 mandated by the rules and regulations of the Nuclear
23 Regulatory Commission.

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

1 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
2 24-1.6 do not apply to or affect any of the following:

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

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

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

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

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

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

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

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

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

1 the performance of their official duty.

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

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

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

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

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

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

15 During transportation, any such weapon shall be broken
16 down in a non-functioning state, or not immediately
17 accessible.

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

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

24 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
25 Section 24-1.6 do not apply to members of any club or
26 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

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

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

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

1 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
2 this Article, which is unloaded and enclosed in a case, firearm
3 carrying box, shipping box, or other container, by the
4 possessor of a valid Firearm Owners Identification Card.

5 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
6 95-885, eff. 1-1-09.)

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