



Rep. Brandon W. Phelps

Filed: 3/31/2009

09600HB0462ham001

LRB096 04121 RLC 24849 a

1 AMENDMENT TO HOUSE BILL 462

2 AMENDMENT NO. _____. Amend House Bill 462 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Family 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

1 carry concealed firearms. The General Assembly recognizes that
2 it already regulates the use and possession of concealed
3 firearms under Sections 24-1 and 24-1.6 of the Criminal Code of
4 1961 and the Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 and
6 that the regulation of concealed firearms is an exclusive
7 Statewide function. The General Assembly does not delegate to
8 the county sheriff the authority to regulate or restrict the
9 issuing or carrying of handguns by person issued of concealed
10 firearms permits provided for in this Act beyond those
11 provisions contained in this Act.

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

13 "Board" means the Illinois Law Enforcement Training
14 Standards Board.

15 "Concealed firearm" means a handgun carried on or about a
16 person completely or mostly concealed from view of the public,
17 or carried in a vehicle in such a way as it is concealed from
18 view of the public.

19 "Department" means the Department of State Police.

20 "Fund" means the Citizen Safety and Self-Defense Trust
21 Fund.

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

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

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

3 Section 15. Permit for concealed firearms. The Department
4 of State Police is authorized to issue permits to carry
5 concealed firearms to persons qualified as provided in this
6 Act. Permits to carry concealed firearms shall be valid
7 throughout the State for a period of 3 years from the date of
8 issuance. Any person in compliance with the terms of the permit
9 may carry concealed handgun on or about his or her person. The
10 permittee shall carry the permit at all times the permittee is
11 carrying a concealed handgun and shall display the permit upon
12 the request of a law enforcement officer.

13 Section 20. Application for permit.

14 (a) An applicant for a permit shall obtain the application
15 from the Department of State Police. The application may only
16 contain information required under Section 30 of this Act.

17 (b) The sheriff shall evaluate the application and
18 accompanying material, and within 30 calendar days transmit the
19 application, accompanying material and any objections to the
20 application, and application fees to the Department of State
21 Police. Twenty-five dollars of the application fee shall be
22 retained by the office of the sheriff for official expenses of
23 the office. The sheriff may submit specific and articulable
24 reasons to the Department in objection to an application for a

1 concealed firearms permit. He or she shall articulate the
2 recommendation for denial in a written report and transmit that
3 report to the Department of State Police along with the
4 completed application. The Department of State Police shall
5 maintain the report which shall be available to the applicant
6 for a concealed firearms permit.

7 (c) The sheriff may consider an objection or recommendation
8 made by the sheriff or municipal police department where an
9 applicant lives supported by specific and articulable reasons,
10 in a written report, why the applicant should be denied a
11 permit and the Department of State Police may deny the permit
12 based solely on those objections. If the objection contains
13 false, malicious or inaccurate information, the sheriff or
14 municipal police department filing the objection shall bear all
15 of the applicant's costs if the applicant prevails in an
16 appeal. Specific and articulable reasons shall not be a general
17 or philosophical opposition to the issuance of permits to
18 individuals otherwise eligible under this Act.

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

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

4 (e) Applications for duplicate of a lost or destroyed
5 Permit, corrected permit due to change of address or name shall
6 be submitted directly to the Department of State Police and
7 they shall retain all of said application fee and may be made
8 upon an abbreviated form verifying the applicants identity and
9 having been issued a current and valid concealed firearms
10 permit.

11 Section 25. Qualifications of applicants. The Department
12 of State Police, upon receiving a person's application for a
13 concealed firearms permit, upon receipt of the appropriate fees
14 from a sheriff, and after compliance with the procedures set
15 out in this Section, shall issue the applicant a concealed
16 firearms permit if the person:

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

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

22 (iii) has a valid Firearm Owner's Identification Card,
23 except the 6 months shall be waived for members of the Armed
24 Forces who are not prohibited from owning or possessing a
25 firearm under federal law;

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

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

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

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

26 (viii) Was a member of the Illinois General Assembly and at

1 least 10 years has passed since this Act took effect after
2 having voted against it.

3 Section 30. Contents of application. The initial
4 application shall be in writing, under oath and under the
5 penalties of perjury, on a standard form promulgated by the
6 county sheriff and shall be accompanied by the appropriate fees
7 and required documentation. The application shall only contain
8 or require the following information:

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

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

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

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

25 (v) questions to certify or demonstrate that the applicant

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

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

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

16 (viii) an affirmation that the applicant has never been
17 convicted of any felony or of a misdemeanor involving the use
18 or threat of physical force or violence to any person; and has
19 never been adjudicated a delinquent minor for an offense which,
20 had he or she been tried as an adult, would have been such a
21 felony or misdemeanor. The application shall also contain the
22 following statement along with a signature line for use by the
23 applicant, which statement the applicant shall affirm under
24 oath: "I, the undersigned, state, under oath and subject to the
25 penalty of perjury, that I am not a streetgang member as
26 defined in Section 10 of the Illinois Streetgang Terrorism

1 Omnibus Prevention Act, and I will not join or become
2 associated with a criminal streetgang."; and

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

6 Section 35. Fees. Fees collected under this Act by the
7 Department of State Police shall be deposited into a Citizen
8 Safety and Self-Defense Trust Fund and shall be used
9 exclusively by the Department of State Police for
10 administering the provisions of this Act. Any excess monies in
11 the Fund may be used to ensure the prompt and efficient
12 processing of applications received under this Act. The portion
13 of the application fee retained by the office of the sheriff
14 shall be used for official expenses of the office associated
15 with this Act.

16 Fees for a concealed firearms permit shall be:

17 New permit....\$100

18 Renewal....\$75

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

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

21 Late renewal fee...\$25

22 Section 40. Approval of application. If the Department of
23 State Police finds that the applicant possesses a valid Firearm
24 Owner's Identification Card, meets the training requirements

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

11 Section 45. Revocation of a permit.

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

25 (b) When a permittee becomes ineligible under this Act, he

1 or she shall surrender the permit to the court upon conviction
2 for a disqualifying offense. When a permittee becomes ineligible
3 because of a revocation of their FOID card, upon notice of the
4 revocation, they shall remit the permit within 72 hours to the
5 Department of State Police.

6 Section 50. Notification of renewal. Not later than 120
7 days before the expiration of any permit issued under this Act,
8 the Department of State Police shall notify the permit holder
9 in writing of the expiration and furnish an application for
10 renewal of the permit.

11 Section 55. Renewal of permit.

12 (a) The permit shall be renewed for a qualified applicant
13 upon receipt of the properly completed renewal application and
14 required renewal fee. The renewal application shall contain the
15 same required information as set forth in paragraphs (i)
16 through (ix) of Section 25, except that in lieu of the firearm
17 education and use of deadly force training, the applicant need
18 only demonstrate previous issuance of and continued
19 eligibility for a concealed firearms permit.

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

1 Section 60. Change of address, change of name, and lost or
2 destroyed permits.

3 (a) Within 30 days after changing his or her permanent
4 residence, and within 30 days after loss or destruction of a
5 concealed firearms permit, the permittee shall notify the
6 sheriff of the loss, destruction, change of name, or change of
7 residence. Failure to notify the Department of State Police
8 shall constitute a noncriminal violation with a penalty of \$25
9 payable to the Department of State Police.

10 (b) If a person issued a permit to carry a concealed
11 firearm changes residence within this State, or changes his or
12 her name, the person to whom the permit was issued may, upon
13 payment of \$25 and presentation of their current permit to the
14 Department of State Police, obtain a corrected concealed
15 firearms permit with a change of address or change of name upon
16 furnishing a notarized statement to the Department of State
17 Police that the permittee has changed residence or his or her
18 name, and upon submission of an application as set forth in
19 paragraph (i) of Section 30 and a photograph as set forth in
20 paragraph (iv) of Section 30. A concealed firearms permit shall
21 be automatically invalid after 90 days if the permittee has not
22 notified the Department of State Police of a change of
23 residence. A permit corrected under this subsection shall be
24 issued in 48 hours.

25 (c) If a permit to carry a concealed firearm is lost or

1 destroyed, the permit shall be automatically invalid, and the
2 person to whom the permit was issued may obtain a duplicate,
3 upon payment of \$25 to the Department of State Police and
4 furnishing a notarized statement to the Department of State
5 Police that the permit was lost or destroyed, and submission of
6 an application as set forth in paragraph (i) of Section 30 and
7 a photograph as set forth in paragraph (iv) of Section 30.

8 Section 65. Automated listing. The Department of State
9 Police shall maintain an automated listing of permit holders in
10 the L.E.A.D.S. system, and this information shall be available
11 on-line, upon request, at all times to all Illinois law
12 enforcement agencies. Except as provided in this Act,
13 information on applications for permits, names and addresses,
14 or other identifying information relating to permit holders
15 shall be confidential and shall not be made available except to
16 law enforcement agencies.

17 Section 70. Privacy of permit holders and applicants.
18 Except as provided in this Section, information on applications
19 for permits, names and addresses, or other identifying
20 information relating to permit holders shall be confidential,
21 not subject to the Illinois Freedom of Information Act, and
22 shall not be made available except to law enforcement agencies.

23 Requests for information about any permit holder or
24 applicant made by persons other than a bona fide law

1 enforcement agency shall be made in writing together with any
2 fee required for providing the information.

3 No State or local law enforcement agency shall provide a
4 list of names of any or all holders or applicants in the State
5 of Illinois or a county licensed to carry a concealed firearm,
6 except that the Department of State Police or sheriff may, upon
7 proper application and the payment of the required fee, provide
8 to the requester, in written form only, confirmation that an
9 individual has or has not been issued, applied for, or denied a
10 permit, or had a permit revoked under this Act. No identifying
11 information other than the name shall be provided.

12 Only the Department of State Police or sheriff may provide
13 statistical information on:

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

15 (ii) the race, age, or gender of those issued permits or
16 applicants;

17 (iii) the county of residence of those issued permits or
18 applicants;

19 (iv) the number of permits revoked and for what reason.

20 Nothing in this Section shall prevent any law enforcement
21 agency from releasing information about an individual as part
22 of a criminal investigation.

23 The names of all persons, other than law enforcement
24 agencies and peace officers, requesting information under this
25 Section shall be public records. No agency of government other
26 than the Department of State Police or sheriff shall provide

1 any information to a requester not entitled to it under this
2 Act.

3 Section 75. Concealed firearms permit.

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

9 (i) Any State or local police or sheriff's office or
10 station without the consent of the chief law enforcement
11 officer in charge of that office or station.

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

14 (iii) Any courthouse solely occupied by the Circuit,
15 Appellate, or Supreme Court or a courtroom of any of those
16 courts, or court proceeding, except that nothing in this
17 Section shall preclude a judge, or State's Attorney holding a
18 concealed firearm permit, from carrying a concealed firearm
19 within a courthouse.

20 (iv) Any meeting of the governing body of a unit of local
21 government; or any meeting of the General Assembly or a
22 committee of the General Assembly, except that nothing in this
23 paragraph shall preclude a member of the body or lobbyist
24 registered with the Secretary of State, or credentialed member
25 of the media holding a concealed firearms permit from carrying

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

22 (v) Any portion of an establishment licensed to dispense
23 beer or alcoholic beverages for consumption on the premises,
24 which portion of the establishment is primarily devoted to that
25 purpose. This paragraph (v) does not apply to any bona fide
26 restaurant open to the general public having dining facilities

1 or banquet facility for at least 25 persons and that receives
2 at least 50% of its gross annual income from the dining
3 facilities by the sale of food.

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

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

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

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

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

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

18 (xii) Any stadium, arena, or collegiate or professional
19 sporting event.

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

21 A violation of this subsection (a) is a Class A
22 misdemeanor. A concealed firearm permit does not authorize the
23 concealed carrying or transportation of a stun gun or taser.

24 (b) The owner, business or commercial lessee, manager of a
25 private business enterprise, or any other organization,
26 entity, or person may prohibit persons holding a permit for

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

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

1 Section 80. Immunity, employees, and agents. The office of
2 the county sheriff, or any employee or agent of the county
3 sheriff, or Department of State Police shall not be liable for
4 damages in any civil action arising from alleged wrongful or
5 improper granting, renewing, or failure to revoke permits
6 issued under this Act except for willful and wanton misconduct.
7 The office of the county sheriff or any employee or agent of
8 the office of the county sheriff shall not be liable for
9 submitting specific and articulable reasons why an applicant
10 should be denied a permit, unless the objection contains false,
11 malicious or inaccurate information. The sheriff or municipal
12 police department filing the objection shall bear all of the
13 applicant's costs if the applicant prevails in an appeal.

14 Section 85. Applicant training.

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

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

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

22 (ii) the basic principles of marksmanship;

23 (iii) care and cleaning of handguns;

24 (iv) by means of a videotape produced or approved

1 by the Board:

2 (A) the requirements for obtaining a concealed
3 firearms permit in this State;

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

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

11 (v) a written exam not to exceed 50 questions
12 testing the knowledge of the applicant on the subject
13 matter covered in the course.

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

16 (i) from a standing position;

17 (ii) a minimum of 20 rounds;

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

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

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

26 (2) Applicant training course students shall complete a

1 course application form prescribed by the Department of State
2 Police, which shall include a statement acknowledging receipt
3 of copies of pertinent statutory provisions listed in clauses
4 (A), (B), and (C) of subparagraph (iv) of paragraph (1) of
5 subsection (a) and a liability waiver.

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

8 (d) At the conclusion of the classroom portion of the
9 applicant training course, the qualified firearms instructor
10 shall:

11 (1) distribute a standard course examination to the
12 students;

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

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

17 (4) not grade the examinations in the presence of
18 students; and

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

22 (e) A person shall not:

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

25 (2) Possess the applicant training course examination,
26 or questions from the examination, unless authorized by the

1 Department; or

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

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

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

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

9 (ii) not allow the firing of a handgun that is not in
10 sound mechanical condition or otherwise may pose a safety
11 hazard.

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

14 (1) does not follow the orders of the certified
15 firearms instructor;

16 (2) in the judgment of the certified firearms
17 instructor, handles a firearm in a manner that poses a
18 danger to the applicant or to others; or

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

22 (h) Certified firearms instructors shall:

23 (1) allow monitoring of their classes by officials of
24 any certifying agency;

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

1 (3) not divulge course records except as authorized by
2 the certifying agency.

3 (i)(1) Fees for applicant training courses shall be set by
4 the instructor.

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

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

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

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

14 (1) grade the examinations, and

15 (2) mail to the Board:

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

20 (ii) the graded examinations.

21 (1) Within 15 days after receipt of the material described
22 in subsection (1), the Board shall mail to the applicant:

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

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

26 (m) A student shall be issued a certificate of completion

1 if he or she:

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

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

5 (n)(i) Students who score below 70% on the written
6 examination may retake the examination one time without having
7 to retake the course.

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

11 (iii) Notices of failure will include information on
12 whether the student failed the written exam, the range firing,
13 or both.

14 Section 90. Firearms instructor certification. The Board
15 shall certify instructors who have met the requirements of this
16 Section.

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

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

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

25 (d) Persons wishing to become certified firearms

1 instructors shall:

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

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

4 (3) meet the requirements of subsection (b) of Section

5 20. Persons wishing to become instructor trainers, in

6 addition to the other requirements of this subsection (d),

7 shall:

8 (A) possess at least a high school diploma or GED

9 certificate,

10 (B) have at least one of the following valid

11 firearms instructor certifications:

12 (I) National Rifle Association Personal
13 Protection Instructor;

14 (II) National Rifle Association Pistol
15 Marksmanship Instructor;

16 (III) Certification from a firearms
17 instructor's course offered by a State or federal
18 governmental agency; or

19 (IV) A similar firearms instructor qualifying
20 course, approved by the Illinois Law Enforcement
21 Training Standards Board.

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

23 (2) An applicant may be disqualified from becoming a
24 certified instructor, or have his or her instructor
25 qualification revoked if the applicant:

26 (A) does not meet the requirements of this Act to

1 possess a concealed firearms permit;

2 (B) provides false or misleading information to the
3 Board; or

4 (C) has had a prior instructor qualification revoked by
5 the Board.

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

8 (1) 16 hours of classroom instruction covering at least the
9 following topics:

10 (i) By means of a videotape produced or approved by the
11 Board:

12 (A) the requirements for obtaining a concealed
13 firearms permit in this State;

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

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

19 (D) the conduct of applicant training courses;

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

21 (F) the basic nomenclature of handguns;

22 (G) the basic principles of marksmanship; and

23 (H) the safe handling of handguns.

24 (2) A classroom demonstration, during which the
25 instructor candidate shall receive instruction on and
26 demonstrate competency in the ability to prepare and

1 deliver a classroom presentation using materials from the
2 applicant curriculum.

3 (3) Range instruction and firing of live ammunition,
4 during which the instructor candidate shall receive
5 instruction on and demonstrate competency in the ability
6 to:

7 (i) handle and fire a handgun safely and
8 accurately;

9 (ii) conduct a function test and safety inspection
10 of common types of handguns;

11 (iii) clean common types of handguns; and

12 (iv) supervise and conduct live firing exercises
13 in a safe and efficient manner.

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

16 (1) A minimum score of 70% on a written examination
17 covering the material taught during the classroom portion
18 of the course;

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

23 (i) ten rounds from 7 yards; and

24 (ii) ten rounds from 15 yards; and

25 (iii) a score of "passing" from the course
26 instructor for demonstrating competency in each of the

1 following:

2 (A) Supervising and conducting live fire;

3 (B) Cleaning and inspecting handguns; and

4 (C) Preparing and delivering the classroom
5 lecture.

6 (h) Instructor candidates who fail to meet the minimum
7 requirements of subsection (g) of this Section may retake the
8 examination, range work, or classroom demonstration one time
9 without having to repeat the course.

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

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

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

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

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

24 (l) Prior to conducting range firing, the course instructor
25 shall:

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

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

4 Section 95. Study. The Secretary of State shall conduct a
5 study to determine the cost and feasibility of creating a
6 method of adding an identifiable code, background, or other
7 means to show that an individual has been issued a permit to
8 carry a concealed firearm by the sheriff on the person's
9 driver's license or State identification card.

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

20 Section 105. Preemption. The regulating of carrying
21 firearms being an exclusive function of the State under Section
22 24-1 and 24-1.6 of the Criminal Code of 1961, an ordinance of a
23 unit of local government, including a home rule unit, is

1 invalid if it is inconsistent with the Family and Personal
2 Protection Act or Section 24-1 and 24-1.6 of the Criminal Code
3 of 1961. It is declared to be the policy of this State that the
4 regulation of the right to carry concealed firearms and the
5 issuance of permits to carry concealed firearms is an exclusive
6 power and function of the State. A home rule unit may not
7 regulate the carrying of concealed firearms. This Section is a
8 denial and limitation of home rule powers and functions under
9 subsection (h) of Section 6 of Article VII of the Illinois
10 Constitution.

11 Section 110. The Illinois Police Training Act is amended by
12 adding Section 10.6 as follows:

13 (50 ILCS 705/10.6 new)

14 Sec. 10.6. Family and Personal Protection Act training
15 course. The Board shall initiate, develop, and oversee a
16 training course for the Family and Personal Protection Act
17 pursuant to that Act. The training course shall include all of
18 the subjects enumerated in the Family and Personal Protection
19 Act. The Board shall issue a certificate to those persons
20 successfully completing the course according to that Act.

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

1 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

2 Sec. 24-2. Exemptions.

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

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

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

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

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

25 (5) Persons licensed as private security contractors,
26 private detectives, or private alarm contractors, or

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

22 (6) Any person regularly employed in a commercial or
23 industrial operation as a security guard for the protection
24 of persons employed and private property related to such
25 commercial or industrial operation, while actually engaged
26 in the performance of his or her duty or traveling between

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

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

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

1 services.

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

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

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

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

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

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

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

1 mandated by the rules and regulations of the Nuclear
2 Regulatory Commission.

3 (14) Manufacture, transportation, or sale of weapons
4 to persons authorized under subdivisions (1) through
5 (13.5) of this subsection to possess those weapons.

6 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
7 24-1.6 do not apply to or affect any of the following:

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

13 (2) Duly authorized military or civil organizations
14 while parading, with the special permission of the
15 Governor.

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

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

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

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

25 (1) Peace officers while in performance of their
26 official duties.

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

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

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

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

26 During transportation, such weapons shall be broken

1 down in a non-functioning state or not immediately
2 accessible.

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

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

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

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

26 (e) Subsection 24-1(a)(8) does not apply to any owner,

1 manager or authorized employee of any place specified in that
2 subsection nor to any law enforcement officer.

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

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

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

13 (2) Bonafide collectors of antique or surplus military
14 ordinance.

15 (3) Laboratories having a department of forensic
16 ballistics, or specializing in the development of
17 ammunition or explosive ordinance.

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

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

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

22 (i) Nothing in this Article shall prohibit, apply to, or
23 affect the transportation, carrying, or possession, of any
24 pistol or revolver, stun gun, taser, or other firearm consigned
25 to a common carrier operating under license of the State of
26 Illinois or the federal government, where such transportation,

1 carrying, or possession is incident to the lawful
2 transportation in which such common carrier is engaged; and
3 nothing in this Article shall prohibit, apply to, or affect the
4 transportation, carrying, or possession of any pistol,
5 revolver, stun gun, taser, or other firearm, not the subject of
6 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
7 this Article, which is unloaded and enclosed in a case, firearm
8 carrying box, shipping box, or other container, by the
9 possessor of a valid Firearm Owners Identification Card.

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

12 Section 999. Effective date. This Act takes effect upon
13 becoming law."