



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5690

Introduced 2/9/2010, by Rep. Ron Stephens

SYNOPSIS AS INTRODUCED:

225 ILCS 447/5-20 new

720 ILCS 5/24-1

805 ILCS 110/52 new

from Ch. 38, par. 24-1

Amends the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, the Criminal Code of 1961, and the Religious Corporation Act. Provides that a religious corporation may enter into a contract with an individual for the individual's performance of security guard functions. Provides that such an individual must be at least 21 years of age, must be the holder of a valid Firearm Owner's Identification Card, and must have completed a minimum of 20 hours of classroom training in relation to the performance of security guard functions. Provides for civil immunity for a religious corporation security guard. Provides that the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 does not apply to a religious corporation security guard engaged in performing his or her duties. Provides that certain provisions of the Criminal Code of 1961 concerning unlawful use of weapons do not apply to a religious corporation security guard engaged in performing his or her duties.

LRB096 15556 DRJ 35115 b

1 AN ACT concerning business.

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

4 Section 5. The Private Detective, Private Alarm, Private
5 Security, Fingerprint Vendor, and Locksmith Act of 2004 is
6 amended by adding Section 5-20 as follows:

7 (225 ILCS 447/5-20 new)

8 Sec. 5-20. No application to religious corporation
9 security guard. This Act does not apply to a religious
10 corporation security guard as defined in Section 52 of the
11 Religious Corporation Act engaged in performing his or her
12 duties.

13 Section 10. The Criminal Code of 1961 is amended by
14 changing Section 24-1 as follows:

15 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

16 Sec. 24-1. Unlawful Use of Weapons.

17 (a) A person commits the offense of unlawful use of weapons
18 when he knowingly:

19 (1) Sells, manufactures, purchases, possesses or
20 carries any bludgeon, black-jack, slung-shot, sand-club,
21 sand-bag, metal knuckles or other knuckle weapon

1 regardless of its composition, throwing star, or any knife,
2 commonly referred to as a switchblade knife, which has a
3 blade that opens automatically by hand pressure applied to
4 a button, spring or other device in the handle of the
5 knife, or a ballistic knife, which is a device that propels
6 a knifelike blade as a projectile by means of a coil
7 spring, elastic material or compressed gas; or

8 (2) Carries or possesses with intent to use the same
9 unlawfully against another, a dagger, dirk, billy,
10 dangerous knife, razor, stiletto, broken bottle or other
11 piece of glass, stun gun or taser or any other dangerous or
12 deadly weapon or instrument of like character; or

13 (3) Carries on or about his person or in any vehicle, a
14 tear gas gun projector or bomb or any object containing
15 noxious liquid gas or substance, other than an object
16 containing a non-lethal noxious liquid gas or substance
17 designed solely for personal defense carried by a person 18
18 years of age or older; or

19 (4) Carries or possesses in any vehicle or concealed on
20 or about his person except when on his land or in his own
21 abode, legal dwelling, or fixed place of business, or on
22 the land or in the legal dwelling of another person as an
23 invitee with that person's permission, any pistol,
24 revolver, stun gun or taser or other firearm, except that
25 this subsection (a) (4) does not apply to a religious
26 corporation security guard as defined in Section 52 of the

1 Religious Corporation Act engaged in performing his or her
2 duties, nor does it apply to or affect transportation of
3 weapons that meet one of the following conditions:

4 (i) are broken down in a non-functioning state; or

5 (ii) are not immediately accessible; or

6 (iii) are unloaded and enclosed in a case, firearm
7 carrying box, shipping box, or other container by a
8 person who has been issued a currently valid Firearm
9 Owner's Identification Card; or

10 (5) Sets a spring gun; or

11 (6) Possesses any device or attachment of any kind
12 designed, used or intended for use in silencing the report
13 of any firearm; or

14 (7) Sells, manufactures, purchases, possesses or
15 carries:

16 (i) a machine gun, which shall be defined for the
17 purposes of this subsection as any weapon, which
18 shoots, is designed to shoot, or can be readily
19 restored to shoot, automatically more than one shot
20 without manually reloading by a single function of the
21 trigger, including the frame or receiver of any such
22 weapon, or sells, manufactures, purchases, possesses,
23 or carries any combination of parts designed or
24 intended for use in converting any weapon into a
25 machine gun, or any combination or parts from which a
26 machine gun can be assembled if such parts are in the

1 possession or under the control of a person;

2 (ii) any rifle having one or more barrels less than
3 16 inches in length or a shotgun having one or more
4 barrels less than 18 inches in length or any weapon
5 made from a rifle or shotgun, whether by alteration,
6 modification, or otherwise, if such a weapon as
7 modified has an overall length of less than 26 inches;
8 or

9 (iii) any bomb, bomb-shell, grenade, bottle or
10 other container containing an explosive substance of
11 over one-quarter ounce for like purposes, such as, but
12 not limited to, black powder bombs and Molotov
13 cocktails or artillery projectiles; or

14 (8) Carries or possesses any firearm, stun gun or taser
15 or other deadly weapon in any place which is licensed to
16 sell intoxicating beverages, or at any public gathering
17 held pursuant to a license issued by any governmental body
18 or any public gathering at which an admission is charged,
19 excluding a place where a showing, demonstration or lecture
20 involving the exhibition of unloaded firearms is
21 conducted.

22 This subsection (a) (8) does not apply to any auction or
23 raffle of a firearm held pursuant to a license or permit
24 issued by a governmental body, nor does it apply to persons
25 engaged in firearm safety training courses; or

26 (9) Carries or possesses in a vehicle or on or about

1 his person any pistol, revolver, stun gun or taser or
2 firearm or ballistic knife, when he is hooded, robed or
3 masked in such manner as to conceal his identity; or

4 (10) Carries or possesses on or about his person, upon
5 any public street, alley, or other public lands within the
6 corporate limits of a city, village or incorporated town,
7 except when an invitee thereon or therein, for the purpose
8 of the display of such weapon or the lawful commerce in
9 weapons, or except when on his land or in his own abode,
10 legal dwelling, or fixed place of business, or on the land
11 or in the legal dwelling of another person as an invitee
12 with that person's permission, any pistol, revolver, stun
13 gun or taser or other firearm, except that this subsection
14 (a) (10) does not apply to or affect transportation of
15 weapons that meet one of the following conditions:

16 (i) are broken down in a non-functioning state; or

17 (ii) are not immediately accessible; or

18 (iii) are unloaded and enclosed in a case, firearm
19 carrying box, shipping box, or other container by a
20 person who has been issued a currently valid Firearm
21 Owner's Identification Card.

22 A "stun gun or taser", as used in this paragraph (a)
23 means (i) any device which is powered by electrical
24 charging units, such as, batteries, and which fires one or
25 several barbs attached to a length of wire and which, upon
26 hitting a human, can send out a current capable of

1 disrupting the person's nervous system in such a manner as
2 to render him incapable of normal functioning or (ii) any
3 device which is powered by electrical charging units, such
4 as batteries, and which, upon contact with a human or
5 clothing worn by a human, can send out current capable of
6 disrupting the person's nervous system in such a manner as
7 to render him incapable of normal functioning; or

8 (11) Sells, manufactures or purchases any explosive
9 bullet. For purposes of this paragraph (a) "explosive
10 bullet" means the projectile portion of an ammunition
11 cartridge which contains or carries an explosive charge
12 which will explode upon contact with the flesh of a human
13 or an animal. "Cartridge" means a tubular metal case having
14 a projectile affixed at the front thereof and a cap or
15 primer at the rear end thereof, with the propellant
16 contained in such tube between the projectile and the cap;
17 or

18 (12) (Blank); or

19 (13) Carries or possesses on or about his or her person
20 while in a building occupied by a unit of government, a
21 billy club, other weapon of like character, or other
22 instrument of like character intended for use as a weapon.
23 For the purposes of this Section, "billy club" means a
24 short stick or club commonly carried by police officers
25 which is either telescopic or constructed of a solid piece
26 of wood or other man-made material.

1 (b) Sentence. A person convicted of a violation of
2 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10),
3 subsection 24-1(a)(11), or subsection 24-1(a)(13) commits a
4 Class A misdemeanor. A person convicted of a violation of
5 subsection 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a
6 person convicted of a violation of subsection 24-1(a)(6) or
7 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
8 convicted of a violation of subsection 24-1(a)(7)(i) commits a
9 Class 2 felony and shall be sentenced to a term of imprisonment
10 of not less than 3 years and not more than 7 years, unless the
11 weapon is possessed in the passenger compartment of a motor
12 vehicle as defined in Section 1-146 of the Illinois Vehicle
13 Code, or on the person, while the weapon is loaded, in which
14 case it shall be a Class X felony. A person convicted of a
15 second or subsequent violation of subsection 24-1(a)(4),
16 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
17 felony. The possession of each weapon in violation of this
18 Section constitutes a single and separate violation.

19 (c) Violations in specific places.

20 (1) A person who violates subsection 24-1(a)(6) or
21 24-1(a)(7) in any school, regardless of the time of day or
22 the time of year, in residential property owned, operated
23 or managed by a public housing agency or leased by a public
24 housing agency as part of a scattered site or mixed-income
25 development, in a public park, in a courthouse, on the real
26 property comprising any school, regardless of the time of

1 day or the time of year, on residential property owned,
2 operated or managed by a public housing agency or leased by
3 a public housing agency as part of a scattered site or
4 mixed-income development, on the real property comprising
5 any public park, on the real property comprising any
6 courthouse, in any conveyance owned, leased or contracted
7 by a school to transport students to or from school or a
8 school related activity, in any conveyance owned, leased,
9 or contracted by a public transportation agency, or on any
10 public way within 1,000 feet of the real property
11 comprising any school, public park, courthouse, public
12 transportation facility, or residential property owned,
13 operated, or managed by a public housing agency or leased
14 by a public housing agency as part of a scattered site or
15 mixed-income development commits a Class 2 felony and shall
16 be sentenced to a term of imprisonment of not less than 3
17 years and not more than 7 years.

18 (1.5) A person who violates subsection 24-1(a)(4),
19 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
20 time of day or the time of year, in residential property
21 owned, operated, or managed by a public housing agency or
22 leased by a public housing agency as part of a scattered
23 site or mixed-income development, in a public park, in a
24 courthouse, on the real property comprising any school,
25 regardless of the time of day or the time of year, on
26 residential property owned, operated, or managed by a

1 public housing agency or leased by a public housing agency
2 as part of a scattered site or mixed-income development, on
3 the real property comprising any public park, on the real
4 property comprising any courthouse, in any conveyance
5 owned, leased, or contracted by a school to transport
6 students to or from school or a school related activity, in
7 any conveyance owned, leased, or contracted by a public
8 transportation agency, or on any public way within 1,000
9 feet of the real property comprising any school, public
10 park, courthouse, public transportation facility, or
11 residential property owned, operated, or managed by a
12 public housing agency or leased by a public housing agency
13 as part of a scattered site or mixed-income development
14 commits a Class 3 felony.

15 (2) A person who violates subsection 24-1(a)(1),
16 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
17 time of day or the time of year, in residential property
18 owned, operated or managed by a public housing agency or
19 leased by a public housing agency as part of a scattered
20 site or mixed-income development, in a public park, in a
21 courthouse, on the real property comprising any school,
22 regardless of the time of day or the time of year, on
23 residential property owned, operated or managed by a public
24 housing agency or leased by a public housing agency as part
25 of a scattered site or mixed-income development, on the
26 real property comprising any public park, on the real

1 property comprising any courthouse, in any conveyance
2 owned, leased or contracted by a school to transport
3 students to or from school or a school related activity, in
4 any conveyance owned, leased, or contracted by a public
5 transportation agency, or on any public way within 1,000
6 feet of the real property comprising any school, public
7 park, courthouse, public transportation facility, or
8 residential property owned, operated, or managed by a
9 public housing agency or leased by a public housing agency
10 as part of a scattered site or mixed-income development
11 commits a Class 4 felony. "Courthouse" means any building
12 that is used by the Circuit, Appellate, or Supreme Court of
13 this State for the conduct of official business.

14 (3) Paragraphs (1), (1.5), and (2) of this subsection
15 (c) shall not apply to law enforcement officers or security
16 officers of such school, college, or university or to
17 students carrying or possessing firearms for use in
18 training courses, parades, hunting, target shooting on
19 school ranges, or otherwise with the consent of school
20 authorities and which firearms are transported unloaded
21 enclosed in a suitable case, box, or transportation
22 package.

23 (4) For the purposes of this subsection (c), "school"
24 means any public or private elementary or secondary school,
25 community college, college, or university.

26 (5) For the purposes of this subsection (c), "public

1 transportation agency" means a public or private agency
2 that provides for the transportation or conveyance of
3 persons by means available to the general public, except
4 for transportation by automobiles not used for conveyance
5 of the general public as passengers; and "public
6 transportation facility" means a terminal or other place
7 where one may obtain public transportation.

8 (d) The presence in an automobile other than a public
9 omnibus of any weapon, instrument or substance referred to in
10 subsection (a)(7) is prima facie evidence that it is in the
11 possession of, and is being carried by, all persons occupying
12 such automobile at the time such weapon, instrument or
13 substance is found, except under the following circumstances:
14 (i) if such weapon, instrument or instrumentality is found upon
15 the person of one of the occupants therein; or (ii) if such
16 weapon, instrument or substance is found in an automobile
17 operated for hire by a duly licensed driver in the due, lawful
18 and proper pursuit of his trade, then such presumption shall
19 not apply to the driver.

20 (e) Exemptions. Crossbows, Common or Compound bows and
21 Underwater Spearguns are exempted from the definition of
22 ballistic knife as defined in paragraph (1) of subsection (a)
23 of this Section.

24 (Source: P.A. 95-331, eff. 8-21-07; 95-809, eff. 1-1-09;
25 95-885, eff. 1-1-09; 96-41, eff. 1-1-10; 96-328, eff. 8-11-09;
26 96-742, eff. 8-25-09; revised 10-9-09.)

1 Section 15. The Religious Corporation Act is amended by
2 adding Section 52 as follows:

3 (805 ILCS 110/52 new)

4 Sec. 52. Religious corporation security guard.

5 (a) In this Section, "religious corporation security
6 guard" means an individual who contracts with a corporation
7 organized under this Act to perform any of the following
8 functions for the corporation:

9 (1) The prevention or detection of unauthorized
10 intrusion or entry, or theft, vandalism, abuse, fire, or
11 trespass upon any property of the corporation used
12 primarily as a place of worship.

13 (2) The prevention, observation, or detection of any
14 unauthorized activity on any property of the corporation
15 used primarily as a place of worship.

16 (3) The protection of individuals from bodily harm or
17 death on any property of the corporation used primarily as
18 a place of worship.

19 The term does not include a private security contractor as
20 defined under the Private Detective, Private Alarm, Private
21 Security, Fingerprint Vendor, and Locksmith Act of 2004, nor
22 does it include an employee of such a contractor.

23 (b) A corporation organized under this Act may enter into a
24 contract with an individual for the individual's performance of

1 religious corporation security guard functions. Any such
2 individual must meet all of the following requirements:

3 (1) He or she must be at least 21 years of age.

4 (2) For the term of the contract, he or she must be the
5 holder of a valid Firearm Owner's Identification Card
6 issued under the Firearm Owners Identification Card Act.

7 (3) He or she must have completed, within 30 days after
8 his or her employment, a minimum of 20 hours of classroom
9 training provided by a qualified instructor that includes
10 the following subjects:

11 (A) The law regarding arrest and search and seizure
12 as it applies to private security.

13 (B) Civil and criminal liability for acts related
14 to private security.

15 (C) The use of force, including but not limited to
16 the use of nonlethal force (that is, disabling spray,
17 baton, stungun, or similar weapon).

18 (D) Arrest and control techniques.

19 (E) The offenses under the Criminal Code of 1961
20 that are directly related to the protection of persons
21 and property.

22 (F) The law on private security forces and on
23 reporting to law enforcement agencies.

24 (G) Fire prevention, fire equipment, and fire
25 safety.

26 (H) The procedures for service of process and for

1 report writing.

2 (I) Civil rights and public relations.

3 (J) The identification of terrorists, acts of
4 terrorism, and terrorist organizations, as defined by
5 federal and State statutes.

6 (c) A religious corporation security guard who in good
7 faith performs religious corporation security guard functions
8 or takes actions in good faith that directly relate to the
9 religious corporation security guard's job responsibilities to
10 protect people and property, as defined by the areas in which
11 religious corporation security guards receive training under
12 subsection (b), shall not, as a result of his or her acts or
13 omissions, except for willful and wanton misconduct, be liable
14 to a person for civil damages as a result of performing those
15 functions or taking those actions.

16 The civil immunity provided in this subsection (c) does not
17 apply to a person who has not met all of the requirements set
18 forth in subsection (b).