



Rep. Robert F. Flider

Filed: 3/11/2010

09600HB6384ham001

LRB096 20996 RLJ 37698 a

1 AMENDMENT TO HOUSE BILL 6384

2 AMENDMENT NO. _____. Amend House Bill 6384 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 3.1-30-20 as follows:

6 (65 ILCS 5/3.1-30-20) (from Ch. 24, par. 3.1-30-20)

7 Sec. 3.1-30-20. Auxiliary police officers.

8 (a) Auxiliary police officers shall not be members of the
9 regular police department of the municipality. Auxiliary
10 police officers shall not supplement members of the regular
11 police department of any municipality in the performance of
12 their assigned and normal duties, except as otherwise provided
13 in this Code. Auxiliary police officers shall only be assigned
14 to perform the following duties in a municipality: (i) to aid
15 or direct traffic within the municipality, (ii) to aid in
16 control of natural or man made disasters, and (iii) to aid in

1 case of civil disorder as directed by the chief of police. When
2 it is impractical for members of the regular police department
3 to perform those normal and regular police duties, however, the
4 chief of police of the regular police department may assign
5 auxiliary police officers to perform those normal and regular
6 police duties. Identification symbols worn by auxiliary police
7 officers shall be different and distinct from those used by
8 members of the regular police department. Auxiliary police
9 officers shall at all times during the performance of their
10 duties be subject to the direction and control of the chief of
11 police of the municipality. Auxiliary police officers shall not
12 carry firearms, except with the permission of the chief of
13 police and while in uniform and in the performance of their
14 duties. Auxiliary police officers, when on duty, shall also be
15 conservators of the peace and shall have the powers specified
16 in Section 3.1-15-25.

17 (b) Auxiliary police officers, before entering upon any of
18 their duties, shall receive a course of training in the use of
19 weapons and other police procedures appropriate for the
20 exercise of the powers conferred upon them under this Code. The
21 training and course of study shall be determined and provided
22 by the corporate authorities of each municipality employing
23 auxiliary police officers. Before being permitted to carry a
24 firearm, however, an auxiliary police officer must have the
25 same course of training as required of peace officers under
26 Section 2 of the Peace Officer Firearm Training Act. The

1 municipal authorities may require that all auxiliary police
2 officers be residents of the municipality served by them.
3 Before the appointment of an auxiliary police officer, the
4 person's fingerprints shall be taken, and no person shall be
5 appointed as an auxiliary police officer if that person has
6 been convicted of a felony or other crime involving moral
7 turpitude.

8 (b-5) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
9 24-1.6 of the Criminal Code of 1961 do not apply to auxiliary
10 police officers who meet the following conditions:

11 (1) The auxiliary police officer must receive training
12 in the use of firearms while off-duty conducted by the
13 Illinois Law Enforcement Training Standards Board or a
14 substantially equivalent entity and be certified as having
15 successfully completing such training. The Department of
16 State Police shall determine the amount of such training
17 and the course content for such training. The auxiliary
18 police officer shall requalify for the firearms training
19 annually at a State certified range.

20 (2) The auxiliary police officer shall register the
21 firearm with the Illinois Department of State Police and
22 with any other local law enforcement agencies that require
23 such registration.

24 (c) The Line of Duty Compensation Act shall be applicable
25 to auxiliary police officers upon their death in the line of
26 duty described in this Code.

1 (Source: P.A. 94-984, eff. 6-30-06.)

2 Section 10. The Criminal Code of 1961 is amended by
3 changing Section 24-2 as follows:

4 (720 ILCS 5/24-2)

5 Sec. 24-2. Exemptions.

6 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
7 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
8 the following:

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

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

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

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

1 homes and places of employment; and watchmen while actually
2 engaged in the performance of the duties of their
3 employment.

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

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

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

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

1 control card shall be carried by the person so trained at
2 all times when such person is in possession of a
3 concealable weapon. For purposes of this subsection,
4 "financial institution" means a bank, savings and loan
5 association, credit union or company providing armored car
6 services.

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

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

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

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

19 (12.5) Probation officers while in the performance of
20 their duties, or while commuting between their homes,
21 places of employment or specific locations that are part of
22 their assigned duties, with the consent of the chief judge
23 of the circuit for which they are employed.

24 (13) Court Security Officers while in the performance
25 of their official duties, or while commuting between their
26 homes and places of employment, with the consent of the

1 Sheriff.

2 (13.5) A person employed as an armed security guard at
3 a nuclear energy, storage, weapons or development site or
4 facility regulated by the Nuclear Regulatory Commission
5 who has completed the background screening and training
6 mandated by the rules and regulations of the Nuclear
7 Regulatory Commission.

8 (14) Manufacture, transportation, or sale of weapons
9 to persons authorized under subdivisions (1) through
10 (13.5) of this subsection to possess those weapons.

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

13 (1) Members of any club or organization organized for
14 the purpose of practicing shooting at targets upon
15 established target ranges, whether public or private, and
16 patrons of such ranges, while such members or patrons are
17 using their firearms on those target ranges.

18 (2) Duly authorized military or civil organizations
19 while parading, with the special permission of the
20 Governor.

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

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

25 (5) Carrying or possessing any pistol, revolver, stun
26 gun or taser or other firearm on the land or in the legal

1 dwelling of another person as an invitee with that person's
2 permission.

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

5 (1) Peace officers while in performance of their
6 official duties.

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

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

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

1 possession of any weapon from which 8 or more shots or
2 bullets can be discharged by a single function of the
3 firing device, but only such possession and activities as
4 are within the lawful scope of a licensed manufacturing
5 business described in this paragraph.

6 During transportation, such weapons shall be broken
7 down in a non-functioning state or not immediately
8 accessible.

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

20 The exemption granted under this subdivision (c)(6)
21 shall also apply to any authorized agent of any such
22 contractor or subcontractor who is operating within the
23 scope of his employment, where such activities involving
24 such weapon, weapons or ammunition are necessary and
25 incident to fulfilling the terms of such contract.

26 During transportation, any such weapon shall be broken

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

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

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

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

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

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

19 (2) Bonafide collectors of antique or surplus military
20 ordinance.

21 (3) Laboratories having a department of forensic
22 ballistics, or specializing in the development of
23 ammunition or explosive ordinance.

24 (4) Commerce, preparation, assembly or possession of
25 explosive bullets by manufacturers of ammunition licensed
26 by the federal government, in connection with the supply of

1 those organizations and persons exempted by subdivision
2 (g) (1) of this Section, or like organizations and persons
3 outside this State, or the transportation of explosive
4 bullets to any organization or person exempted in this
5 Section by a common carrier or by a vehicle owned or leased
6 by an exempted manufacturer.

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

24 (g-6) Subsections 24-1(a) (4) and 24-1(a) (10) and Section
25 24-1.6 do not apply to or affect any parole agent or parole
26 supervisor who meets the qualifications and conditions

1 prescribed in Section 3-14-1.5 of the Unified Code of
2 Corrections.

3 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
4 24-1.6 do not apply to or affect any auxiliary police officer
5 who meets the qualifications and conditions prescribed in
6 subsection (b-5) of Section 3.1-30-20 of the Illinois Municipal
7 Code.

8 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
9 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
10 athlete's possession, transport on official Olympic and
11 Paralympic transit systems established for athletes, or use of
12 competition firearms sanctioned by the International Olympic
13 Committee, the International Paralympic Committee, the
14 International Shooting Sport Federation, or USA Shooting in
15 connection with such athlete's training for and participation
16 in shooting competitions at the 2016 Olympic and Paralympic
17 Games and sanctioned test events leading up to the 2016 Olympic
18 and Paralympic Games.

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

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

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

11 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
12 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
13 96-742, eff. 8-25-09; revised 10-9-09.)".