



Rep. Robert F. Flider

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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 Illinois Law
16 Enforcement Training Standards Board shall determine the
17 amount of such training and the course content for such
18 training. The Illinois Law Enforcement Training Standards
19 Board may impose reasonable fees for conducting the
20 training. Before a person may undergo firearms training
21 under this subsection (b-5), the local law enforcement
22 agency that the person serves must provide documentation to
23 the Illinois Law Enforcement Training Standards Board
24 verifying that the person is an auxiliary police officer.
25 The auxiliary police officer shall requalify for the
26 firearms training annually at a State-certified range.

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

5 (b-10) Except for gross negligence and willful misconduct,
6 neither the Illinois Law Enforcement Training Standards Board
7 nor the agents, employees, or representatives of the Board
8 shall be liable for damages, injuries, or deaths arising from
9 or in connection with the use of a firearm by an auxiliary
10 police officer trained by the Board.

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

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

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

17 (720 ILCS 5/24-2)

18 Sec. 24-2. Exemptions.

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

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

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 while in the performance of their official duty, or while
5 commuting between their homes and places of employment.

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

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

17 (5) Persons licensed as private security contractors,
18 private detectives, or private alarm contractors, or
19 employed by an agency certified by the Department of
20 Professional Regulation, if their duties include the
21 carrying of a weapon under the provisions of the Private
22 Detective, Private Alarm, Private Security, Fingerprint
23 Vendor, and Locksmith Act of 2004, while actually engaged
24 in the performance of the duties of their employment or
25 commuting between their homes and places of employment,
26 provided that such commuting is accomplished within one

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

14 (6) Any person regularly employed in a commercial or
15 industrial operation as a security guard for the protection
16 of persons employed and private property related to such
17 commercial or industrial operation, while actually engaged
18 in the performance of his or her duty or traveling between
19 sites or properties belonging to the employer, and who, as
20 a security guard, is a member of a security force of at
21 least 5 persons registered with the Department of
22 Professional Regulation; provided that such security guard
23 has successfully completed a course of study, approved by
24 and supervised by the Department of Professional
25 Regulation, consisting of not less than 40 hours of
26 training that includes the theory of law enforcement,

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

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

19 (8) Persons employed by a financial institution for the
20 protection of other employees and property related to such
21 financial institution, while actually engaged in the
22 performance of their duties, commuting between their homes
23 and places of employment, or traveling between sites or
24 properties owned or operated by such financial
25 institution, provided that any person so employed has
26 successfully completed a course of study, approved by and

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

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

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

25 (11) Investigators of the Office of the State's
26 Attorneys Appellate Prosecutor authorized by the board of

1 governors of the Office of the State's Attorneys Appellate
2 Prosecutor to carry weapons pursuant to Section 7.06 of the
3 State's Attorneys Appellate Prosecutor's Act.

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

6 (12.5) Probation officers while in the performance of
7 their duties, or while commuting between their homes,
8 places of employment or specific locations that are part of
9 their assigned duties, with the consent of the chief judge
10 of the circuit for which they are employed.

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

15 (13.5) A person employed as an armed security guard at
16 a nuclear energy, storage, weapons or development site or
17 facility regulated by the Nuclear Regulatory Commission
18 who has completed the background screening and training
19 mandated by the rules and regulations of the Nuclear
20 Regulatory Commission.

21 (14) Manufacture, transportation, or sale of weapons
22 to persons authorized under subdivisions (1) through
23 (13.5) of this subsection to possess those weapons.

24 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
25 24-1.6 do not apply to or affect any of the following:

26 (1) Members of any club or organization organized for

1 the purpose of practicing shooting at targets upon
2 established target ranges, whether public or private, and
3 patrons of such ranges, while such members or patrons are
4 using their firearms on those target ranges.

5 (2) Duly authorized military or civil organizations
6 while parading, with the special permission of the
7 Governor.

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

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

12 (5) Carrying or possessing any pistol, revolver, stun
13 gun or taser or other firearm on the land or in the legal
14 dwelling of another person as an invitee with that person's
15 permission.

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

18 (1) Peace officers while in performance of their
19 official duties.

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

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

26 (4) Manufacture, transportation, or sale of machine

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

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

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

22 (6) The manufacture, transport, testing, delivery,
23 transfer or sale, and all lawful commercial or experimental
24 activities necessary thereto, of rifles, shotguns, and
25 weapons made from rifles or shotguns, or ammunition for
26 such rifles, shotguns or weapons, where engaged in by a

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

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

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

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

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

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

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

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

6 (2) Bonafide collectors of antique or surplus military
7 ordinance.

8 (3) Laboratories having a department of forensic
9 ballistics, or specializing in the development of
10 ammunition or explosive ordinance.

11 (4) Commerce, preparation, assembly or possession of
12 explosive bullets by manufacturers of ammunition licensed
13 by the federal government, in connection with the supply of
14 those organizations and persons exempted by subdivision
15 (g)(1) of this Section, or like organizations and persons
16 outside this State, or the transportation of explosive
17 bullets to any organization or person exempted in this
18 Section by a common carrier or by a vehicle owned or leased
19 by an exempted manufacturer.

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

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

11 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
12 24-1.6 do not apply to or affect any parole agent or parole
13 supervisor who meets the qualifications and conditions
14 prescribed in Section 3-14-1.5 of the Unified Code of
15 Corrections.

16 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
17 24-1.6 do not apply to or affect any auxiliary police officer
18 who meets the qualifications and conditions prescribed in
19 subsection (b-5) of Section 3.1-30-20 of the Illinois Municipal
20 Code.

21 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
22 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
23 athlete's possession, transport on official Olympic and
24 Paralympic transit systems established for athletes, or use of
25 competition firearms sanctioned by the International Olympic
26 Committee, the International Paralympic Committee, the

1 International Shooting Sport Federation, or USA Shooting in
2 connection with such athlete's training for and participation
3 in shooting competitions at the 2016 Olympic and Paralympic
4 Games and sanctioned test events leading up to the 2016 Olympic
5 and Paralympic Games.

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

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

24 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
25 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
26 96-742, eff. 8-25-09; revised 10-9-09.)".