



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB0148

Introduced 1/18/2011, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

New Act  
50 ILCS 705/10.6 new  
720 ILCS 5/24-2

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

LRB097 02774 RLC 42796 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning firearms.

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

4 Section 1. Short title. This Act may be cited as the Family  
5 and Personal Protection Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 submitted.

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

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

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

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

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

25 (v) questions to certify or demonstrate that the

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

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

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

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

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

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

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

17 Fees for a concealed firearms permit shall be:

18 New permit..\$100

19 Renewal..\$75

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

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

22 Late renewal fee..\$25

23 Section 35. Approval of application.

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



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

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

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

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

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

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

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

23 Section 50. Renewal of permit.

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

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

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

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

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

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

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

20 Section 60. Automated listing.

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

1           (b) The Department of State Police shall maintain an  
2 automated listing of permit holders, and this information shall  
3 be available on-line, upon request, at all times to all  
4 Illinois law enforcement agencies. Except as provided in this  
5 Act, information on applications for permits, names and  
6 addresses, or other identifying information relating to permit  
7 holders shall be confidential and shall not be made available  
8 except to law enforcement agencies.

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

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

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

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

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

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

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

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

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

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

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

21 Section 70. Concealed firearms permit.

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

1 to carry a concealed firearm into or upon:

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

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

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

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

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

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

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

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

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

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



1 prohibited by federal law.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 Section 80. Applicant training.

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

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

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

17 (ii) the basic principles of marksmanship;

18 (iii) care and cleaning of handguns;

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

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

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

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

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

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

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

10 (i) from a standing position;

11 (ii) a minimum of 20 rounds;

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

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

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

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

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

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

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

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

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

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

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

15 (f) A person shall not:

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

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

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

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

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

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

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

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

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

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

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

15 (i) Certified firearms instructors shall:

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

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

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

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

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

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

1 otherwise do not complete the course.

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

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

7 (1) grade the examinations, and

8 (2) mail to the Board:

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

13 (ii) the graded examinations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

1 the following topics:

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

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

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

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

12 (D) the conduct of applicant training courses;

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

14 (F) the basic nomenclature of handguns;

15 (G) the basic principles of marksmanship; and

16 (H) the safe handling of handguns.

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

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

26 (i) handle and fire a handgun safely and

1 accurately;

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

4 (iii) clean common types of handguns; and

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

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

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

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

16 (i) ten rounds from 7 yards; and

17 (ii) ten rounds from 15 yards; and

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

21 (A) Supervising and conducting live fire;

22 (B) Cleaning and inspecting handguns; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (50 ILCS 705/10.6 new)

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

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

17 (720 ILCS 5/24-2)

18 Sec. 24-2. Exemptions.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

1           pursuant to the Peace Officer Fire Investigation Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) Wardens, superintendents and keepers of prisons,

1 penitentiaries, jails and other institutions for the  
2 detention of persons accused or convicted of an offense.

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

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

25 During transportation, such weapons shall be broken  
26 down in a non-functioning state or not immediately

1 accessible.

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

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

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

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

25 (e) Subsection 24-1(a)(8) does not apply to any owner,  
26 manager or authorized employee of any place specified in that

1 subsection nor to any law enforcement officer.

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

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

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

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

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

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

26 (g-5) Subsection 24-1(a)(6) does not apply to or affect

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

17 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
18 24-1.6 do not apply to or affect any parole agent or parole  
19 supervisor who meets the qualifications and conditions  
20 prescribed in Section 3-14-1.5 of the Unified Code of  
21 Corrections.

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



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

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

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

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

1 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

2 Section 999. Effective date. This Act takes effect upon  
3 becoming law.