



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3609

Introduced 5/8/2018, by Sen. Kyle McCarter

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-30 new

105 ILCS 5/34-18

720 ILCS 5/24-2

from Ch. 122, par. 34-18

Amends the School Code. Provides that a school board may grant written permission to a person who has a Professional Educator License or an Educator License with Stipulations granted by the State Superintendent of Education under the Code, other qualified staff, or a qualified volunteer to carry a firearm if employed as an educator, other qualified staff, or a qualified volunteer by the school district, while actually engaged in the performance of the duties of his or her employment. Provides that the person must have undergone a psychiatric evaluation as determined by the school board and possess a valid license to carry a concealed firearm in the State under the Firearm Concealed Carry Act. Provides that notwithstanding any other provisions of law, a school district may not require any educator, other qualified staff, or a qualified volunteer, as a condition of employment, to carry a firearm. Provides that a person permitted by the school board to carry a firearm shall receive additional training on dealing with children. Amends the Criminal Code of 2012. Exempts an educator, other qualified staff, or a qualified volunteer from violations of the unlawful use of weapons and aggravated unlawful use of a weapon statutes for carrying a firearm in a school under these provisions. Effective immediately.

LRB100 21871 RLC 39689 b

1 AN ACT concerning criminal law.

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

4 Section 5. The School Code is amended by changing Section
5 34-18 and by adding Section 10-30 as follows:

6 (105 ILCS 5/10-30 new)

7 Sec. 10-30. School board may permit licensed educators,
8 other qualified staff, or qualified volunteers to carry
9 firearms. A school board may grant written permission to a
10 person who has a Professional Educator License or an Educator
11 License with Stipulations granted by the State Superintendent
12 of Education under Article 21B of this Code, other qualified
13 staff, or a qualified volunteer to carry a firearm if employed
14 as an educator, other qualified staff, or a qualified volunteer
15 by the school district, while actually engaged in the
16 performance of the duties of his or her employment. The person
17 must have undergone a psychiatric evaluation as determined by
18 the school board and possess a valid license to carry a
19 concealed firearm in this State under the Firearm Concealed
20 Carry Act. Notwithstanding any other provisions of law, a
21 school district may not require any educator, other qualified
22 staff, or a qualified volunteer, as a condition of employment,
23 to carry a firearm. Preference shall be given to veterans and

1 law enforcement. The person permitted by the school board to
2 carry a firearm shall receive additional training on dealing
3 with children.

4 (105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

5 Sec. 34-18. Powers of the board. The board shall exercise
6 general supervision and jurisdiction over the public education
7 and the public school system of the city, and, except as
8 otherwise provided by this Article, shall have power:

9 1. To make suitable provision for the establishment and
10 maintenance throughout the year or for such portion thereof
11 as it may direct, not less than 9 months, of schools of all
12 grades and kinds, including normal schools, high schools,
13 night schools, schools for defectives and delinquents,
14 parental and truant schools, schools for the blind, the
15 deaf and persons with physical disabilities, schools or
16 classes in manual training, constructural and vocational
17 teaching, domestic arts and physical culture, vocation and
18 extension schools and lecture courses, and all other
19 educational courses and facilities, including
20 establishing, equipping, maintaining and operating
21 playgrounds and recreational programs, when such programs
22 are conducted in, adjacent to, or connected with any public
23 school under the general supervision and jurisdiction of
24 the board; provided that the calendar for the school term
25 and any changes must be submitted to and approved by the

1 State Board of Education before the calendar or changes may
2 take effect, and provided that in allocating funds from
3 year to year for the operation of all attendance centers
4 within the district, the board shall ensure that
5 supplemental general State aid or supplemental grant funds
6 are allocated and applied in accordance with Section 18-8,
7 18-8.05, or 18-8.15. To admit to such schools without
8 charge foreign exchange students who are participants in an
9 organized exchange student program which is authorized by
10 the board. The board shall permit all students to enroll in
11 apprenticeship programs in trade schools operated by the
12 board, whether those programs are union-sponsored or not.
13 No student shall be refused admission into or be excluded
14 from any course of instruction offered in the common
15 schools by reason of that student's sex. No student shall
16 be denied equal access to physical education and
17 interscholastic athletic programs supported from school
18 district funds or denied participation in comparable
19 physical education and athletic programs solely by reason
20 of the student's sex. Equal access to programs supported
21 from school district funds and comparable programs will be
22 defined in rules promulgated by the State Board of
23 Education in consultation with the Illinois High School
24 Association. Notwithstanding any other provision of this
25 Article, neither the board of education nor any local
26 school council or other school official shall recommend

1 that children with disabilities be placed into regular
2 education classrooms unless those children with
3 disabilities are provided with supplementary services to
4 assist them so that they benefit from the regular classroom
5 instruction and are included on the teacher's regular
6 education class register;

7 2. To furnish lunches to pupils, to make a reasonable
8 charge therefor, and to use school funds for the payment of
9 such expenses as the board may determine are necessary in
10 conducting the school lunch program;

11 3. To co-operate with the circuit court;

12 4. To make arrangements with the public or quasi-public
13 libraries and museums for the use of their facilities by
14 teachers and pupils of the public schools;

15 5. To employ dentists and prescribe their duties for
16 the purpose of treating the pupils in the schools, but
17 accepting such treatment shall be optional with parents or
18 guardians;

19 6. To grant the use of assembly halls and classrooms
20 when not otherwise needed, including light, heat, and
21 attendants, for free public lectures, concerts, and other
22 educational and social interests, free of charge, under
23 such provisions and control as the principal of the
24 affected attendance center may prescribe;

25 7. To apportion the pupils to the several schools;
26 provided that no pupil shall be excluded from or segregated

1 in any such school on account of his color, race, sex, or
2 nationality. The board shall take into consideration the
3 prevention of segregation and the elimination of
4 separation of children in public schools because of color,
5 race, sex, or nationality. Except that children may be
6 committed to or attend parental and social adjustment
7 schools established and maintained either for boys or girls
8 only. All records pertaining to the creation, alteration or
9 revision of attendance areas shall be open to the public.
10 Nothing herein shall limit the board's authority to
11 establish multi-area attendance centers or other student
12 assignment systems for desegregation purposes or
13 otherwise, and to apportion the pupils to the several
14 schools. Furthermore, beginning in school year 1994-95,
15 pursuant to a board plan adopted by October 1, 1993, the
16 board shall offer, commencing on a phased-in basis, the
17 opportunity for families within the school district to
18 apply for enrollment of their children in any attendance
19 center within the school district which does not have
20 selective admission requirements approved by the board.
21 The appropriate geographical area in which such open
22 enrollment may be exercised shall be determined by the
23 board of education. Such children may be admitted to any
24 such attendance center on a space available basis after all
25 children residing within such attendance center's area
26 have been accommodated. If the number of applicants from

1 outside the attendance area exceed the space available,
2 then successful applicants shall be selected by lottery.
3 The board of education's open enrollment plan must include
4 provisions that allow low income students to have access to
5 transportation needed to exercise school choice. Open
6 enrollment shall be in compliance with the provisions of
7 the Consent Decree and Desegregation Plan cited in Section
8 34-1.01;

9 8. To approve programs and policies for providing
10 transportation services to students. Nothing herein shall
11 be construed to permit or empower the State Board of
12 Education to order, mandate, or require busing or other
13 transportation of pupils for the purpose of achieving
14 racial balance in any school;

15 9. Subject to the limitations in this Article, to
16 establish and approve system-wide curriculum objectives
17 and standards, including graduation standards, which
18 reflect the multi-cultural diversity in the city and are
19 consistent with State law, provided that for all purposes
20 of this Article courses or proficiency in American Sign
21 Language shall be deemed to constitute courses or
22 proficiency in a foreign language; and to employ principals
23 and teachers, appointed as provided in this Article, and
24 fix their compensation. The board shall prepare such
25 reports related to minimal competency testing as may be
26 requested by the State Board of Education, and in addition

1 shall monitor and approve special education and bilingual
2 education programs and policies within the district to
3 assure that appropriate services are provided in
4 accordance with applicable State and federal laws to
5 children requiring services and education in those areas;

6 10. To employ non-teaching personnel or utilize
7 volunteer personnel for: (i) non-teaching duties not
8 requiring instructional judgment or evaluation of pupils,
9 including library duties; and (ii) supervising study
10 halls, long distance teaching reception areas used
11 incident to instructional programs transmitted by
12 electronic media such as computers, video, and audio,
13 detention and discipline areas, and school-sponsored
14 extracurricular activities. The board may further utilize
15 volunteer non-certificated personnel or employ
16 non-certificated personnel to assist in the instruction of
17 pupils under the immediate supervision of a teacher holding
18 a valid certificate, directly engaged in teaching subject
19 matter or conducting activities; provided that the teacher
20 shall be continuously aware of the non-certificated
21 persons' activities and shall be able to control or modify
22 them. The general superintendent shall determine
23 qualifications of such personnel and shall prescribe rules
24 for determining the duties and activities to be assigned to
25 such personnel;

26 10.5. To utilize volunteer personnel from a regional

1 School Crisis Assistance Team (S.C.A.T.), created as part
2 of the Safe to Learn Program established pursuant to
3 Section 25 of the Illinois Violence Prevention Act of 1995,
4 to provide assistance to schools in times of violence or
5 other traumatic incidents within a school community by
6 providing crisis intervention services to lessen the
7 effects of emotional trauma on individuals and the
8 community; the School Crisis Assistance Team Steering
9 Committee shall determine the qualifications for
10 volunteers;

11 11. To provide television studio facilities in not to
12 exceed one school building and to provide programs for
13 educational purposes, provided, however, that the board
14 shall not construct, acquire, operate, or maintain a
15 television transmitter; to grant the use of its studio
16 facilities to a licensed television station located in the
17 school district; and to maintain and operate not to exceed
18 one school radio transmitting station and provide programs
19 for educational purposes;

20 12. To offer, if deemed appropriate, outdoor education
21 courses, including field trips within the State of
22 Illinois, or adjacent states, and to use school educational
23 funds for the expense of the said outdoor educational
24 programs, whether within the school district or not;

25 13. During that period of the calendar year not
26 embraced within the regular school term, to provide and

1 conduct courses in subject matters normally embraced in the
2 program of the schools during the regular school term and
3 to give regular school credit for satisfactory completion
4 by the student of such courses as may be approved for
5 credit by the State Board of Education;

6 14. To insure against any loss or liability of the
7 board, the former School Board Nominating Commission,
8 Local School Councils, the Chicago Schools Academic
9 Accountability Council, or the former Subdistrict Councils
10 or of any member, officer, agent or employee thereof,
11 resulting from alleged violations of civil rights arising
12 from incidents occurring on or after September 5, 1967 or
13 from the wrongful or negligent act or omission of any such
14 person whether occurring within or without the school
15 premises, provided the officer, agent or employee was, at
16 the time of the alleged violation of civil rights or
17 wrongful act or omission, acting within the scope of his
18 employment or under direction of the board, the former
19 School Board Nominating Commission, the Chicago Schools
20 Academic Accountability Council, Local School Councils, or
21 the former Subdistrict Councils; and to provide for or
22 participate in insurance plans for its officers and
23 employees, including but not limited to retirement
24 annuities, medical, surgical and hospitalization benefits
25 in such types and amounts as may be determined by the
26 board; provided, however, that the board shall contract for

1 such insurance only with an insurance company authorized to
2 do business in this State. Such insurance may include
3 provision for employees who rely on treatment by prayer or
4 spiritual means alone for healing, in accordance with the
5 tenets and practice of a recognized religious
6 denomination;

7 15. To contract with the corporate authorities of any
8 municipality or the county board of any county, as the case
9 may be, to provide for the regulation of traffic in parking
10 areas of property used for school purposes, in such manner
11 as is provided by Section 11-209 of The Illinois Vehicle
12 Code, approved September 29, 1969, as amended;

13 16. (a) To provide, on an equal basis, access to a high
14 school campus and student directory information to the
15 official recruiting representatives of the armed forces of
16 Illinois and the United States for the purposes of
17 informing students of the educational and career
18 opportunities available in the military if the board has
19 provided such access to persons or groups whose purpose is
20 to acquaint students with educational or occupational
21 opportunities available to them. The board is not required
22 to give greater notice regarding the right of access to
23 recruiting representatives than is given to other persons
24 and groups. In this paragraph 16, "directory information"
25 means a high school student's name, address, and telephone
26 number.

1 (b) If a student or his or her parent or guardian
2 submits a signed, written request to the high school before
3 the end of the student's sophomore year (or if the student
4 is a transfer student, by another time set by the high
5 school) that indicates that the student or his or her
6 parent or guardian does not want the student's directory
7 information to be provided to official recruiting
8 representatives under subsection (a) of this Section, the
9 high school may not provide access to the student's
10 directory information to these recruiting representatives.
11 The high school shall notify its students and their parents
12 or guardians of the provisions of this subsection (b).

13 (c) A high school may require official recruiting
14 representatives of the armed forces of Illinois and the
15 United States to pay a fee for copying and mailing a
16 student's directory information in an amount that is not
17 more than the actual costs incurred by the high school.

18 (d) Information received by an official recruiting
19 representative under this Section may be used only to
20 provide information to students concerning educational and
21 career opportunities available in the military and may not
22 be released to a person who is not involved in recruiting
23 students for the armed forces of Illinois or the United
24 States;

25 17. (a) To sell or market any computer program
26 developed by an employee of the school district, provided

1 that such employee developed the computer program as a
2 direct result of his or her duties with the school district
3 or through the utilization of the school district resources
4 or facilities. The employee who developed the computer
5 program shall be entitled to share in the proceeds of such
6 sale or marketing of the computer program. The distribution
7 of such proceeds between the employee and the school
8 district shall be as agreed upon by the employee and the
9 school district, except that neither the employee nor the
10 school district may receive more than 90% of such proceeds.
11 The negotiation for an employee who is represented by an
12 exclusive bargaining representative may be conducted by
13 such bargaining representative at the employee's request.

14 (b) For the purpose of this paragraph 17:

15 (1) "Computer" means an internally programmed,
16 general purpose digital device capable of
17 automatically accepting data, processing data and
18 supplying the results of the operation.

19 (2) "Computer program" means a series of coded
20 instructions or statements in a form acceptable to a
21 computer, which causes the computer to process data in
22 order to achieve a certain result.

23 (3) "Proceeds" means profits derived from
24 marketing or sale of a product after deducting the
25 expenses of developing and marketing such product;

26 18. To delegate to the general superintendent of

1 schools, by resolution, the authority to approve contracts
2 and expenditures in amounts of \$10,000 or less;

3 19. Upon the written request of an employee, to
4 withhold from the compensation of that employee any dues,
5 payments or contributions payable by such employee to any
6 labor organization as defined in the Illinois Educational
7 Labor Relations Act. Under such arrangement, an amount
8 shall be withheld from each regular payroll period which is
9 equal to the pro rata share of the annual dues plus any
10 payments or contributions, and the board shall transmit
11 such withholdings to the specified labor organization
12 within 10 working days from the time of the withholding;

13 19a. Upon receipt of notice from the comptroller of a
14 municipality with a population of 500,000 or more, a county
15 with a population of 3,000,000 or more, the Cook County
16 Forest Preserve District, the Chicago Park District, the
17 Metropolitan Water Reclamation District, the Chicago
18 Transit Authority, or a housing authority of a municipality
19 with a population of 500,000 or more that a debt is due and
20 owing the municipality, the county, the Cook County Forest
21 Preserve District, the Chicago Park District, the
22 Metropolitan Water Reclamation District, the Chicago
23 Transit Authority, or the housing authority by an employee
24 of the Chicago Board of Education, to withhold, from the
25 compensation of that employee, the amount of the debt that
26 is due and owing and pay the amount withheld to the

1 municipality, the county, the Cook County Forest Preserve
2 District, the Chicago Park District, the Metropolitan
3 Water Reclamation District, the Chicago Transit Authority,
4 or the housing authority; provided, however, that the
5 amount deducted from any one salary or wage payment shall
6 not exceed 25% of the net amount of the payment. Before the
7 Board deducts any amount from any salary or wage of an
8 employee under this paragraph, the municipality, the
9 county, the Cook County Forest Preserve District, the
10 Chicago Park District, the Metropolitan Water Reclamation
11 District, the Chicago Transit Authority, or the housing
12 authority shall certify that (i) the employee has been
13 afforded an opportunity for a hearing to dispute the debt
14 that is due and owing the municipality, the county, the
15 Cook County Forest Preserve District, the Chicago Park
16 District, the Metropolitan Water Reclamation District, the
17 Chicago Transit Authority, or the housing authority and
18 (ii) the employee has received notice of a wage deduction
19 order and has been afforded an opportunity for a hearing to
20 object to the order. For purposes of this paragraph, "net
21 amount" means that part of the salary or wage payment
22 remaining after the deduction of any amounts required by
23 law to be deducted and "debt due and owing" means (i) a
24 specified sum of money owed to the municipality, the
25 county, the Cook County Forest Preserve District, the
26 Chicago Park District, the Metropolitan Water Reclamation

1 District, the Chicago Transit Authority, or the housing
2 authority for services, work, or goods, after the period
3 granted for payment has expired, or (ii) a specified sum of
4 money owed to the municipality, the county, the Cook County
5 Forest Preserve District, the Chicago Park District, the
6 Metropolitan Water Reclamation District, the Chicago
7 Transit Authority, or the housing authority pursuant to a
8 court order or order of an administrative hearing officer
9 after the exhaustion of, or the failure to exhaust,
10 judicial review;

11 20. The board is encouraged to employ a sufficient
12 number of certified school counselors to maintain a
13 student/counselor ratio of 250 to 1 by July 1, 1990. Each
14 counselor shall spend at least 75% of his work time in
15 direct contact with students and shall maintain a record of
16 such time;

17 21. To make available to students vocational and career
18 counseling and to establish 5 special career counseling
19 days for students and parents. On these days
20 representatives of local businesses and industries shall
21 be invited to the school campus and shall inform students
22 of career opportunities available to them in the various
23 businesses and industries. Special consideration shall be
24 given to counseling minority students as to career
25 opportunities available to them in various fields. For the
26 purposes of this paragraph, minority student means a person

1 who is any of the following:

2 (a) American Indian or Alaska Native (a person having
3 origins in any of the original peoples of North and South
4 America, including Central America, and who maintains
5 tribal affiliation or community attachment).

6 (b) Asian (a person having origins in any of the
7 original peoples of the Far East, Southeast Asia, or the
8 Indian subcontinent, including, but not limited to,
9 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
10 the Philippine Islands, Thailand, and Vietnam).

11 (c) Black or African American (a person having origins
12 in any of the black racial groups of Africa). Terms such as
13 "Haitian" or "Negro" can be used in addition to "Black or
14 African American".

15 (d) Hispanic or Latino (a person of Cuban, Mexican,
16 Puerto Rican, South or Central American, or other Spanish
17 culture or origin, regardless of race).

18 (e) Native Hawaiian or Other Pacific Islander (a person
19 having origins in any of the original peoples of Hawaii,
20 Guam, Samoa, or other Pacific Islands).

21 Counseling days shall not be in lieu of regular school
22 days;

23 22. To report to the State Board of Education the
24 annual student dropout rate and number of students who
25 graduate from, transfer from or otherwise leave bilingual
26 programs;

1 23. Except as otherwise provided in the Abused and
2 Neglected Child Reporting Act or other applicable State or
3 federal law, to permit school officials to withhold, from
4 any person, information on the whereabouts of any child
5 removed from school premises when the child has been taken
6 into protective custody as a victim of suspected child
7 abuse. School officials shall direct such person to the
8 Department of Children and Family Services, or to the local
9 law enforcement agency if appropriate;

10 24. To develop a policy, based on the current state of
11 existing school facilities, projected enrollment and
12 efficient utilization of available resources, for capital
13 improvement of schools and school buildings within the
14 district, addressing in that policy both the relative
15 priority for major repairs, renovations and additions to
16 school facilities, and the advisability or necessity of
17 building new school facilities or closing existing schools
18 to meet current or projected demographic patterns within
19 the district;

20 25. To make available to the students in every high
21 school attendance center the ability to take all courses
22 necessary to comply with the Board of Higher Education's
23 college entrance criteria effective in 1993;

24 26. To encourage mid-career changes into the teaching
25 profession, whereby qualified professionals become
26 certified teachers, by allowing credit for professional

1 employment in related fields when determining point of
2 entry on teacher pay scale;

3 27. To provide or contract out training programs for
4 administrative personnel and principals with revised or
5 expanded duties pursuant to this Act in order to assure
6 they have the knowledge and skills to perform their duties;

7 28. To establish a fund for the prioritized special
8 needs programs, and to allocate such funds and other lump
9 sum amounts to each attendance center in a manner
10 consistent with the provisions of part 4 of Section 34-2.3.
11 Nothing in this paragraph shall be construed to require any
12 additional appropriations of State funds for this purpose;

13 29. (Blank);

14 30. Notwithstanding any other provision of this Act or
15 any other law to the contrary, to contract with third
16 parties for services otherwise performed by employees,
17 including those in a bargaining unit, and to layoff those
18 employees upon 14 days written notice to the affected
19 employees. Those contracts may be for a period not to
20 exceed 5 years and may be awarded on a system-wide basis.
21 The board may not operate more than 30 contract schools,
22 provided that the board may operate an additional 5
23 contract turnaround schools pursuant to item (5.5) of
24 subsection (d) of Section 34-8.3 of this Code;

25 31. To promulgate rules establishing procedures
26 governing the layoff or reduction in force of employees and

1 the recall of such employees, including, but not limited
2 to, criteria for such layoffs, reductions in force or
3 recall rights of such employees and the weight to be given
4 to any particular criterion. Such criteria shall take into
5 account factors including, but not be limited to,
6 qualifications, certifications, experience, performance
7 ratings or evaluations, and any other factors relating to
8 an employee's job performance;

9 32. To develop a policy to prevent nepotism in the
10 hiring of personnel or the selection of contractors;

11 33. To enter into a partnership agreement, as required
12 by Section 34-3.5 of this Code, and, notwithstanding any
13 other provision of law to the contrary, to promulgate
14 policies, enter into contracts, and take any other action
15 necessary to accomplish the objectives and implement the
16 requirements of that agreement; and

17 34. To establish a Labor Management Council to the
18 board comprised of representatives of the board, the chief
19 executive officer, and those labor organizations that are
20 the exclusive representatives of employees of the board and
21 to promulgate policies and procedures for the operation of
22 the Council.

23 35. To grant written permission to a person who has a
24 Professional Educator License or an Educator License with
25 Stipulations granted by the State Superintendent of
26 Education under Article 21B of this Code, other qualified

1 staff, or a qualified volunteer to carry a firearm if
2 employed as an educator, other qualified staff, or a
3 qualified volunteer by the school district, while actually
4 engaged in the performance of the duties of his or her
5 employment. The person must have undergone a psychiatric
6 evaluation as determined by the board and possess a valid
7 license to carry a concealed firearm in this State under
8 the Firearm Concealed Carry Act. Notwithstanding any other
9 provisions of law, the school district may not require any
10 educator, other qualified staff, or a qualified volunteer,
11 as a condition of employment, to carry a firearm. The
12 person permitted by the board to carry a firearm shall
13 receive additional training on dealing with children.

14 The specifications of the powers herein granted are not to
15 be construed as exclusive but the board shall also exercise all
16 other powers that they may be requisite or proper for the
17 maintenance and the development of a public school system, not
18 inconsistent with the other provisions of this Article or
19 provisions of this Code which apply to all school districts.

20 In addition to the powers herein granted and authorized to
21 be exercised by the board, it shall be the duty of the board to
22 review or to direct independent reviews of special education
23 expenditures and services. The board shall file a report of
24 such review with the General Assembly on or before May 1, 1990.

25 (Source: P.A. 99-143, eff. 7-27-15; 100-465, eff. 8-31-17.)

1 Section 10. The Criminal Code of 2012 is amended by
2 changing Section 24-2 as follows:

3 (720 ILCS 5/24-2)

4 Sec. 24-2. Exemptions.

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

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

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

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

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

1 employment.

2 (5) Persons licensed as private security contractors,
3 private detectives, or private alarm contractors, or
4 employed by a private security contractor, private
5 detective, or private alarm contractor agency licensed by
6 the Department of Financial and Professional Regulation,
7 if their duties include the carrying of a weapon under the
8 provisions of the Private Detective, Private Alarm,
9 Private Security, Fingerprint Vendor, and Locksmith Act of
10 2004, while actually engaged in the performance of the
11 duties of their employment or commuting between their homes
12 and places of employment. A person shall be considered
13 eligible for this exemption if he or she has completed the
14 required 20 hours of training for a private security
15 contractor, private detective, or private alarm
16 contractor, or employee of a licensed private security
17 contractor, private detective, or private alarm contractor
18 agency and 20 hours of required firearm training, and has
19 been issued a firearm control card by the Department of
20 Financial and Professional Regulation. Conditions for the
21 renewal of firearm control cards issued under the
22 provisions of this Section shall be the same as for those
23 cards issued under the provisions of the Private Detective,
24 Private Alarm, Private Security, Fingerprint Vendor, and
25 Locksmith Act of 2004. The firearm control card shall be
26 carried by the private security contractor, private

1 detective, or private alarm contractor, or employee of the
2 licensed private security contractor, private detective,
3 or private alarm contractor agency at all times when he or
4 she is in possession of a concealable weapon permitted by
5 his or her firearm control card.

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

1 the same as for those cards issued under the provisions of
2 the Private Detective, Private Alarm, Private Security,
3 Fingerprint Vendor, and Locksmith Act of 2004. The firearm
4 control card shall be carried by the security guard at all
5 times when he or she is in possession of a concealable
6 weapon permitted by his or her firearm control card.

7 (7) Agents and investigators of the Illinois
8 Legislative Investigating Commission authorized by the
9 Commission to carry the weapons specified in subsections
10 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
11 any investigation for the Commission.

12 (8) Persons employed by a financial institution as a
13 security guard for the protection of other employees and
14 property related to such financial institution, while
15 actually engaged in the performance of their duties,
16 commuting between their homes and places of employment, or
17 traveling between sites or properties owned or operated by
18 such financial institution, and who, as a security guard,
19 is a member of a security force registered with the
20 Department; provided that any person so employed has
21 successfully completed a course of study, approved by and
22 supervised by the Department of Financial and Professional
23 Regulation, consisting of not less than 40 hours of
24 training which includes theory of law enforcement,
25 liability for acts, and the handling of weapons. A person
26 shall be considered to be eligible for this exemption if he

1 or she has completed the required 20 hours of training for
2 a security officer and 20 hours of required firearm
3 training, and has been issued a firearm control card by the
4 Department of Financial and Professional Regulation.
5 Conditions for renewal of firearm control cards issued
6 under the provisions of this Section shall be the same as
7 for those issued under the provisions of the Private
8 Detective, Private Alarm, Private Security, Fingerprint
9 Vendor, and Locksmith Act of 2004. The firearm control card
10 shall be carried by the security guard at all times when he
11 or she is in possession of a concealable weapon permitted
12 by his or her firearm control card. For purposes of this
13 subsection, "financial institution" means a bank, savings
14 and loan association, credit union or company providing
15 armored car services.

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

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

21 (11) Investigators of the Office of the State's
22 Attorneys Appellate Prosecutor authorized by the board of
23 governors of the Office of the State's Attorneys Appellate
24 Prosecutor to carry weapons pursuant to Section 7.06 of the
25 State's Attorneys Appellate Prosecutor's Act.

26 (12) Special investigators appointed by a State's

1 Attorney under Section 3-9005 of the Counties Code.

2 (12.5) Probation officers while in the performance of
3 their duties, or while commuting between their homes,
4 places of employment or specific locations that are part of
5 their assigned duties, with the consent of the chief judge
6 of the circuit for which they are employed, if they have
7 received weapons training according to requirements of the
8 Peace Officer and Probation Officer Firearm Training Act.

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

13 (13.5) A person employed as an armed security guard at
14 a nuclear energy, storage, weapons or development site or
15 facility regulated by the Nuclear Regulatory Commission
16 who has completed the background screening and training
17 mandated by the rules and regulations of the Nuclear
18 Regulatory Commission.

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

22 (a-5) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply
23 to or affect any person carrying a concealed pistol, revolver,
24 or handgun and the person has been issued a currently valid
25 license under the Firearm Concealed Carry Act at the time of
26 the commission of the offense.

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) With written permission of the school board, a
20 person who has a Professional Educator License or an
21 Educator License with Stipulations granted by the State
22 Superintendent of Education under Article 21B of the School
23 Code, other qualified staff, or a qualified volunteer
24 carrying a firearm if employed as an educator, other
25 qualified staff, or a qualified volunteer by a school
26 district, while actually engaged in the performance of the

1 duties of his or her employment. The person must have
2 undergone a psychiatric evaluation as determined by the
3 school board and possess a valid license to carry a
4 concealed firearm in this State under the Firearm Concealed
5 Carry Act. Notwithstanding any other provisions of law, a
6 school district may not require any educator, other
7 qualified staff, or a qualified volunteer, as a condition
8 of employment, to carry a firearm as authorized under this
9 paragraph (6). The person permitted by the school board to
10 carry a firearm shall receive additional training on
11 dealing with children.

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

14 (1) Peace officers while in performance of their
15 official duties.

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

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

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

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

15 During transportation, such weapons shall be broken
16 down in a non-functioning state or not immediately
17 accessible.

18 (6) The manufacture, transport, testing, delivery,
19 transfer or sale, and all lawful commercial or experimental
20 activities necessary thereto, of rifles, shotguns, and
21 weapons made from rifles or shotguns, or ammunition for
22 such rifles, shotguns or weapons, where engaged in by a
23 person operating as a contractor or subcontractor pursuant
24 to a contract or subcontract for the development and supply
25 of such rifles, shotguns, weapons or ammunition to the
26 United States government or any branch of the Armed Forces

1 of the United States, when such activities are necessary
2 and incident to fulfilling the terms of such contract.

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

9 (7) A person possessing a rifle with a barrel or
10 barrels less than 16 inches in length if: (A) the person
11 has been issued a Curios and Relics license from the U.S.
12 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
13 the person is an active member of a bona fide, nationally
14 recognized military re-enacting group and the modification
15 is required and necessary to accurately portray the weapon
16 for historical re-enactment purposes; the re-enactor is in
17 possession of a valid and current re-enacting group
18 membership credential; and the overall length of the weapon
19 as modified is not less than 26 inches.

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

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

26 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and

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

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

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

10 (2) Bonafide collectors of antique or surplus military
11 ordnance.

12 (3) Laboratories having a department of forensic
13 ballistics, or specializing in the development of
14 ammunition or explosive ordnance.

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

24 (g-5) Subsection 24-1(a)(6) does not apply to or affect
25 persons licensed under federal law to manufacture any device or
26 attachment of any kind designed, used, or intended for use in

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

15 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
16 24-1.6 do not apply to or affect any parole agent or parole
17 supervisor who meets the qualifications and conditions
18 prescribed in Section 3-14-1.5 of the Unified Code of
19 Corrections.

20 (g-7) Subsection 24-1(a)(6) does not apply to a peace
21 officer while serving as a member of a tactical response team
22 or special operations team. A peace officer may not personally
23 own or apply for ownership of a device or attachment of any
24 kind designed, used, or intended for use in silencing the
25 report of any firearm. These devices shall be owned and
26 maintained by lawfully recognized units of government whose

1 duties include the investigation of criminal acts.

2 (g-10) Subsections 24-1(a)(4), 24-1(a)(8), and
3 24-1(a)(10), and Sections 24-1.6 and 24-3.1 do not apply to an
4 athlete's possession, transport on official Olympic and
5 Paralympic transit systems established for athletes, or use of
6 competition firearms sanctioned by the International Olympic
7 Committee, the International Paralympic Committee, the
8 International Shooting Sport Federation, or USA Shooting in
9 connection with such athlete's training for and participation
10 in shooting competitions at the 2016 Olympic and Paralympic
11 Games and sanctioned test events leading up to the 2016 Olympic
12 and Paralympic Games.

13 (h) An information or indictment based upon a violation of
14 any subsection of this Article need not negate any exemptions
15 contained in this Article. The defendant shall have the burden
16 of proving such an exemption.

17 (i) Nothing in this Article shall prohibit, apply to, or
18 affect the transportation, carrying, or possession, of any
19 pistol or revolver, stun gun, taser, or other firearm consigned
20 to a common carrier operating under license of the State of
21 Illinois or the federal government, where such transportation,
22 carrying, or possession is incident to the lawful
23 transportation in which such common carrier is engaged; and
24 nothing in this Article shall prohibit, apply to, or affect the
25 transportation, carrying, or possession of any pistol,
26 revolver, stun gun, taser, or other firearm, not the subject of

1 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
2 this Article, which is unloaded and enclosed in a case, firearm
3 carrying box, shipping box, or other container, by the
4 possessor of a valid Firearm Owners Identification Card.

5 (Source: P.A. 99-174, eff. 7-29-15; 100-201, eff. 8-18-17.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.