

1 AN ACT in relation to 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
5 Family and Personal Protection Act.

6 Section 5. Legislative declaration. The General Assembly
7 finds that as a matter of public policy it is necessary to
8 provide statewide uniform standards for issuing permits to
9 carry concealed firearms and that no person who does not
10 qualify under the provisions of this Act receives a permit to
11 carry concealed firearms. The General Assembly recognizes
12 that it already regulates the use and possession of concealed
13 firearms under Sections 24-1 and 24-1.6 of the Criminal Code
14 of 1961 and that the regulation of concealed firearms is an
15 exclusive Statewide function. The General Assembly does not
16 delegate to the Department of State Police the authority to
17 regulate or restrict the issuing of concealed firearms
18 permits provided for in this Act beyond those provisions
19 contained in this Act.

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

21 "Concealed firearm" means a handgun carried on or about a
22 person completely or mostly concealed from view of the
23 public, or carried in a vehicle in such a way as it is
24 concealed from view of the public.

25 "Department" means the Department of State Police.

26 "Director" means the Director of State Police.

27 "Fund" means the Citizen Safety and Self-Defense Trust
28 Fund.

29 "Handgun" has the meaning ascribed to it in subsection
30 (h) of Section 24-3 of the Criminal Code of 1961.

1 "Permit" means a permit to carry a concealed firearm
2 issued by the Department of State Police.

3 "Permittee" means a person who is issued a permit to
4 carry a concealed firearm by the Department of State Police.

5 Section 15. Citizen Safety and Self-Defense Trust Fund.

6 (a) There is created the Citizen Safety and Self-Defense
7 Trust Fund. The Fund shall be maintained apart from the State
8 Treasury and shall be administered by the Department. Money
9 from federal and State sources may be deposited into the
10 Fund. Fees from applications for new, renewal, corrected and
11 duplicate concealed firearms permits shall be deposited into
12 the Fund. The Department may invest the monies in the Fund,
13 and any income on these investments shall be reinvested in
14 the Fund.

15 (b) The Department shall use the moneys in the Fund
16 exclusively for the administration of this Act.

17 Section 20. Permit for concealed firearms. The Department
18 of State Police is authorized to issue permits to carry
19 concealed firearms to persons qualified as provided in this
20 Act. Permits to carry a concealed firearms shall be valid
21 throughout the State for a period of 3 years from the date of
22 issuance. Any person in compliance with the terms of the
23 permit may carry concealed firearms on or about his or her
24 person. The permittee shall carry the permit at all times the
25 permittee is carrying a concealed firearm and shall display
26 the permit upon the request of a law enforcement officer. The
27 permit is valid throughout the State.

28 Section 25. Application for permit and qualifications of
29 applicants.

30 (a) An applicant for a permit shall obtain the
31 application from the Department of State Police. If the

1 applicant resides in a county of less than 3,000,000
2 inhabitants (or if the applicant resides in a county of
3 3,000,000 or more inhabitants but not within any
4 municipality), the application for a permit or renewal of a
5 permit to carry a concealed firearm shall be submitted to the
6 office of the 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 transmit the application, accompanying
12 material and any objections to the application, and
13 application fees to the Department of State Police along with
14 the completed application within 10 working days. Twenty
15 dollars of the application fee shall be retained by the
16 office of the sheriff for official expenses of the office.

17 The sheriff may submit specific and articulable reasons
18 to the Department in objection to an application for a
19 concealed firearms permit. He or she shall articulate the
20 recommendation for denial in a written report and transmit
21 that report to the Department of State Police along with the
22 completed application within 10 working days. The Department
23 of State Police shall maintain the report which shall be
24 available to the applicant for a concealed firearms permit.

25 (a-5) If the applicant resides in a county of 3,000,000
26 or more inhabitants and within a municipality, the
27 application for a permit or renewal of a permit to carry a
28 concealed firearm shall be submitted to the municipal police
29 department and the duties imposed upon the county sheriff
30 under subsection (a) shall be imposed upon the municipal
31 police chief of the municipality in which the applicant
32 resides. The municipal police department shall retain \$20 of
33 the application fee for official expenses of the department.

34 (b) The Department of State Police, upon a person's

1 application for a concealed firearms permit, upon receipt of
2 the appropriate fees, and after compliance with the
3 procedures set out in this Section, shall issue the applicant
4 a concealed firearms permit if the person:

5 (i) Is at least 21 years of age;

6 (ii) Resides within the State of Illinois and has
7 been a resident for the last 6 months and is a permanent
8 resident of the United States;

9 (iii) Has not been convicted of a crime punishable
10 by imprisonment for a term exceeding one year, or of a
11 misdemeanor evidencing violence, is not free on any form
12 of bond or pretrial release, and has no outstanding
13 warrants for those crimes;

14 (iv) Has no record of mental disease or mental
15 illness on file with the Department of State Police that
16 would evidence incapacity, or lack of proper mental
17 capacity;

18 (v) Has not been committed to a state or federal
19 facility for the abuse of a controlled substance or
20 cannabis or has not been convicted of a misdemeanor
21 violation of the Illinois Controlled Substances Act or
22 Cannabis Control Act or similar laws of any other state
23 relating to controlled substances or cannabis within a 10
24 year period immediately preceding the date on which the
25 application is submitted; and

26 (vi) Does not chronically and habitually use
27 alcoholic beverages as evidenced by the applicant having
28 2 or more convictions for violating Section 11-501 of the
29 Illinois Vehicle Code or similar provision of a local
30 ordinance within 5 years preceding his or her application
31 or if the applicant has elected treatment under the
32 supervision of a licensed program in accordance with the
33 Alcoholism and Other Drug Abuse and Dependency Act or
34 similar laws of any other state within a 5 year period

1 immediately preceding the date on which the application
2 is submitted.

3 Section 30. Contents of application. The initial
4 application shall be in writing, under oath and under the
5 penalties of perjury, on a standard form promulgated by the
6 Department of State Police and shall be accompanied by the
7 appropriate fees and required documentation. The application
8 shall contain only the following information:

9 (i) the applicant's name, address, gender, and date
10 and place of birth;

11 (ii) a head and shoulder color photograph taken
12 within 30 days preceding the date on which the
13 application is submitted;

14 (iii) questions to certify or demonstrate the
15 applicant has completed a firearms and deadly use of
16 force training and education prerequisites specified
17 under this Act;

18 (iv) a statement that the applicant is a resident
19 of the State of Illinois and has been a resident for the
20 last 6 months and is a permanent resident of the United
21 States;

22 (v) a waiver of privacy and confidentiality rights
23 and privileges enjoyed by the applicant under all federal
24 and state laws governing access to juvenile court,
25 criminal justice, psychological or psychiatric records,
26 or records relating to the applicant's history of
27 institutionalization, and an affirmative request that any
28 person having custody of any such record provide it or
29 information concerning it to the Department;

30 (vi) a conspicuous warning that false statements
31 made by the applicant will result in prosecution for
32 perjury in accordance with Section 32-2 of the Criminal
33 Code of 1961;

1 (vii) An affirmation that the applicant is at least
2 21 years of age, that the applicant possesses a currently
3 valid Illinois Firearm Owner's Identification Card,
4 together with the card number or is applying for the card
5 in conjunction with the concealed firearms permit
6 application;

7 (viii) An affirmation that the applicant has never
8 been convicted of any felony or of a misdemeanor
9 involving the use or threat of physical force or
10 violence to any person; and has never been adjudicated a
11 delinquent minor for an offense which, had he or she
12 been tried as an adult, would have been such a felony or
13 misdemeanor;

14 (ix) The application shall also contain the
15 following statement along with a signature line for use
16 by the applicant, which statement the applicant shall
17 affirm under oath "I the undersigned state, under oath
18 and subject to the penalty of perjury, that I am not a
19 streetgang member as defined in Section 10 of the
20 Illinois Streetgang Terrorism Omnibus Prevention Act, and
21 I will not join or become associated with a criminal
22 streetgang."

23 Section 35. Submission of identifying information; fee.
24 In addition to the completed application, the applicant must
25 also submit the following to the sheriff of the county in
26 which the applicant resides. The sheriff shall submit the
27 information to the Department of State Police:

28 (i) A head and shoulder color photograph as
29 required by Section 30 in a size specified by the
30 Department of State Police taken within 30 days preceding
31 the date on which the application is submitted.

32 (ii) A non-refundable permit fee of \$100 if he or
33 she has not previously been issued such a permit by the

1 Department of State Police, or a non-refundable permit
2 fee of \$75 for each renewal of a permit of which \$20
3 shall be retained by the sheriff or, if the applicant
4 resides within a municipality in a county of 3,000,000 or
5 more inhabitants, by the municipal police department.

6 (iii) A full set of legible fingerprints
7 administered to the applicant by the Department of State
8 Police, or any other federal, State, county or municipal
9 law enforcement agency. Any cost of fingerprinting shall
10 be paid by the applicant.

11 (iv) A photocopy of a certificate or other evidence
12 of completion of a course to show compliance with Section
13 90 of this Act.

14 Section 40. Approval of application.

15 (a) If the Department of State Police finds that the
16 applicant possesses a valid Firearm Owner's Identification
17 Card, meets the training requirements of this Act and has
18 provided the documentation and paid the fees required for
19 issuance of a concealed firearms permit, and that, as nearly
20 as it is possible to determine, nothing in the applicant's
21 background or present circumstances disqualify him or her
22 from possessing a firearm in Illinois, it shall approve the
23 application and issue the applicant a wallet sized permit
24 bearing the photograph of the applicant within 90 days.

25 (b) The Department may consider any objection or
26 recommendation made by the sheriff or municipal police
27 department supported by specific and articulable reasons, in
28 a written report, why the applicant should be denied a permit
29 and may deny the permit based solely on those objections.

30 (c) If the applicant is found to be ineligible, the
31 Department of State Police shall deny the application, and
32 notify the applicant in writing, stating the grounds for
33 denial and informing the applicant of the right to submit,

1 within 30 days, any additional documentation relating to the
2 grounds of the denial. Upon receiving any additional
3 documentation, the Department of State Police shall
4 reconsider its decision and inform the applicant within 30
5 days of the result of the reconsideration. The applicant
6 shall further be informed of the right to appeal the denial
7 in the circuit court of his or her place of residence.

8 (d) The Department of State Police shall maintain an
9 automated listing of permit holders and pertinent
10 information, and this information shall be available on-line,
11 upon request, at all times to all Illinois law enforcement
12 agencies. Except as provided in this subsection, information
13 on applications for permits, names and addresses, or other
14 identifying information relating to permit holders shall be
15 confidential and shall not be made available except to law
16 enforcement agencies. Requests for information about any
17 permit holder made by persons other than a bona fide law
18 enforcement agency shall be made to the Department of State
19 Police together with any fee required for the providing of
20 information. The Department of State Police shall, upon
21 proper application and the payment of the required fee,
22 provide to the requester in written form only, a list of
23 names of any or all holders in the State of Illinois licensed
24 to carry a concealed firearm. No identifying information
25 other than the name shall be provided, and information for
26 geographic areas or other subdivisions of any type from the
27 list shall not be provided, except to a bona fide law
28 enforcement agency, and shall be confidential. No requests
29 for lists of local or statewide permit holders shall be made
30 to any state or local law enforcement agency. No other
31 agency of government other than the Department of State
32 Police shall provide any information to a requester not
33 entitled to it by law. The names of all persons, other than
34 law enforcement agencies and peace officers, requesting

1 information under this Section shall be public records.

2 Section 45. Revocation of a permit.

3 A permit issued under Section 40 shall be suspended or
4 revoked if the permit holder becomes ineligible to be issued
5 a permit under the criteria set forth in subsection (b)(i),
6 (ii), (iii), (iv), (v), and (vi) of Section 25 or subsection
7 (b) of Section 40 of this Act. When an order of protection
8 is issued under Section 112A-14 of the Code of Criminal
9 Procedure of 1963 or under Section 214 of the Illinois
10 Domestic Violence Act of 1986 against a person holding a
11 permit issued under this Act, the holder of the permit shall
12 surrender the permit to the court or to the officer serving
13 the order. The officer to whom the permit is surrendered
14 shall forthwith transmit the permit to the court issuing the
15 order. The permit shall be suspended until the order is
16 terminated.

17 Section 50. Notification of renewal. Not later than 120
18 days before the expiration of any permit issued under this
19 Act, the Department of State Police shall notify the permit
20 holder in writing of the expiration and furnish an
21 application for renewal of the permit.

22 Section 55. Renewal of permit.

23 (a) The permit shall be renewed for a qualified
24 applicant upon receipt of the properly completed renewal
25 application and required renewal fee. The renewal application
26 shall contain the same required information as set forth in
27 paragraphs (i) through (ix) of Section 30, except that in
28 lieu of the firearm education and use of deadly force
29 training, the applicant need only demonstrate previous
30 issuance of and continued eligibility for a concealed
31 firearms permit.

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

6 Section 60. Change of address, change of name or lost or
7 destroyed permits.

8 (a) Within 30 days after the changing of a permanent
9 residence, or within 30 days after loss or destruction of a
10 concealed firearms permit, the permittee shall notify the
11 Department of State Police of the loss, destruction, change
12 of name, or change of residence. Failure to notify the
13 Department of State Police shall constitute a noncriminal
14 violation with a penalty of \$25 payable to the Department of
15 State Police.

16 (b) If a person issued a permit to carry a concealed
17 firearm changes residence within this State, or changes his
18 or her name, the person to whom the permit was issued may
19 upon payment of \$25 to the Department of State Police obtain
20 a corrected concealed firearms permit with a change of
21 address or change of name upon furnishing a notarized
22 statement to the Department of State Police that the
23 permittee has changed residence, or his or her name and upon
24 submission of an application as set forth in Section 25 and
25 photograph as set forth in paragraph (ii) of Section 30 of
26 this Act. A concealed firearms permit shall be automatically
27 invalid after 30 days if the permittee has not notified the
28 Department of State Police of a change of residence.

29 (c) If a permit to carry a concealed firearm is lost or
30 destroyed, the permit shall be automatically invalid, and the
31 person to whom the permit was issued may upon payment of \$25
32 to the Department of State Police obtain a duplicate, and
33 upon furnishing a notarized statement to the Department of

1 State Police that the permit was lost or destroyed, and
2 submission of an application as set forth in Section 25 and
3 photograph as set forth in paragraph (ii) of Section 30 of
4 this Act.

5 Section 65. Reciprocity. A person who holds a valid
6 permit or license issued by another state of the United
7 States whose home state permits Illinois residents to obtain
8 a permit or license to carry a concealed firearm in that
9 state may apply directly to the Department of State Police
10 for a permit to carry a concealed firearm in Illinois. The
11 Department of State Police shall take whatever steps are
12 necessary to verify that the person applying has a valid
13 permit or license to carry a concealed firearm issued by his
14 or her home state.

15 Section 70. Concealed firearms permit.

16 (a) A concealed firearm permit shall authorize the
17 person in whose name the permit is issued to carry concealed
18 firearms on or about his or her person or vehicle throughout
19 the State. No permit issued under this Section shall
20 authorize any person to carry a concealed firearm into or
21 upon:

22 (i) Any police, sheriff, or highway patrol office
23 or station without the consent of the chief law
24 enforcement officer in charge of that office or station.

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

27 (iii) Any courthouse, solely occupied by the
28 Circuit, Appellate, or Supreme Court or a courtroom of
29 any of those courts, or court proceeding, except that
30 nothing in this Section shall preclude a judge, holding a
31 concealed firearm permit, from carrying a concealed
32 firearm within a courthouse.

1 (iv) Any meeting of the governing body of a unit of
2 local government; or any meeting of the General Assembly
3 or a committee of the General Assembly, except that
4 nothing in this Section shall preclude a member of the
5 body holding a concealed firearms permit from carrying a
6 concealed firearm at a meeting of the body which he or
7 she is a member.

8 (v) The General Assembly or a county or
9 municipality may by statute or ordinance prohibit or
10 limit the carrying of concealed firearms by permit
11 holders in that portion of a building owned, leased or
12 controlled by that unit of government. That portion of a
13 building in which the carrying of concealed firearms is
14 prohibited or limited shall be clearly identified by
15 signs posted at the entrance to the restricted area. The
16 statute or ordinance shall exempt any building used for
17 public housing by private persons, highways or rest
18 areas, firing ranges, and private dwellings owned,
19 leased, or controlled by that unit of government from any
20 restriction on the carrying or possession of a firearm.
21 The statute or ordinance shall not specify any criminal
22 penalty for its violation but may specify that persons
23 violating the statute or ordinance may be denied entrance
24 to the building, ordered to leave the building and if the
25 employees of the unit of government, be subjected to
26 disciplinary measures for violation of the provisions of
27 the statute or ordinance. The provisions of this Section
28 shall not apply to any other unit of government.

29 (vi) Any portion of an establishment licensed to
30 dispense beer or alcoholic beverages for consumption on
31 the premises, which portion of the establishment is
32 primarily devoted to that purpose.

33 This paragraph (vi) does not apply to any bona fide
34 restaurant open to the general public having dining

1 facilities for not less than 50 persons and that
2 receives at least 50% of its gross annual income from the
3 dining facilities by the sale of food.

4 (vii) Any area of an airport to which access is
5 controlled by the inspection of persons and property.

6 (viii) Any place where the carrying of a firearm is
7 prohibited by federal law.

8 (ix) Any elementary or secondary school facility
9 without the consent of school authorities.

10 (x) Any portion of a building used as a child care
11 facility without the consent of the manager. Nothing in
12 this Section shall prevent the operator of a child care
13 facility in a family home from owning or possessing a
14 firearm or permit.

15 (xi) A riverboat gambling operation or horse racing
16 facility accessible by the public.

17 (xii) Any gated area of an amusement park.

18 (xiii) Any stadium, arena or collegiate or
19 professional sporting event.

20 (xiv) A church or other place of religious worship.

21 A violation of this subsection (a) is a Class A
22 misdemeanor.

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

25 (b) The owner, business or commercial lessee, manager of
26 a private business enterprise, or any other organization,
27 entity, or person may prohibit persons holding a permit for
28 concealed firearms from carrying concealed firearms on the
29 premises and may prohibit employees, not authorized by the
30 employer, holding a permit for concealed firearms from
31 carrying concealed firearms on the property of the employer.
32 If the building or the premises are open to the public, the
33 employer of the business enterprise shall post signs on or
34 about the premises if carrying a concealed firearm is

1 prohibited. Possession of a firearm in a vehicle on the
2 premises shall not be a criminal offense so long as the
3 firearm is not removed from the vehicle or brandished while
4 the vehicle is on the premises. An employer may prohibit
5 employees or other persons holding a permit for a concealed
6 firearm from carrying a concealed firearm in vehicles owned
7 by the employer. Carrying of a concealed firearm in a
8 location specified in this subsection by a permit holder
9 shall not be a criminal act but may subject the person to
10 denial to the premises or removal from the premises.

11 Section 75. Immunity of Department, sheriff, municipal
12 police department, and their employees and agents. The
13 Department of State Police, office of the county sheriff, or
14 municipal police department or any employee or agent of the
15 Department of State Police, county sheriff, or municipal
16 police department, shall not be liable for damages in any
17 civil action arising from alleged wrongful or improper
18 granting, renewing, or failure to revoke permits issued under
19 this Act. The office of the county sheriff or municipal
20 police department or any employee or agent of the office of
21 the county sheriff or municipal police department shall not
22 be liable for submitting specific and articulable reasons why
23 an applicant should be denied a permit.

24 Section 85. Fees. Fees collected under this Act and
25 deposited into the Citizen Safety and Self-Defense Trust Fund
26 shall be used exclusively for administrating the provisions
27 of this Act; except that, commencing January 1, 2004, any
28 excess monies in the Fund may be used to ensure the prompt
29 and efficient processing of applications received under
30 Section 30 of this Act.

31 (i) Fees for a concealed firearms permit shall be:

32 New permit..\$100

- 1 Renewal..\$75
- 2 Duplicate due to lost or destroyed..\$25
- 3 Corrected permit due to change of address or name..\$25
- 4 Late renewal fee..\$25

5 (ii) The Secretary of State shall conduct a study, to
6 determine the cost and feasibility of creating a method of
7 adding an identifiable code, background, or other means to
8 show that an individual has been issued a permit to carry a
9 concealed firearm by the Department of State Police on the
10 person's driver's license. By March 1 of each year, the
11 Department of State Police shall submit a statistical report
12 to the Governor, the President of the Senate and the Speaker
13 of the House of Representatives, indicating the number of
14 permits issued, revoked, suspended, denied and issued after
15 appeal since the last report and in total and also the number
16 of permits currently valid. The report shall also include the
17 number of arrests, convictions and types of crimes since the
18 last report by individuals issued permits to carry a
19 concealed firearm.

20 Section 90. Applicant training.

21 (a) The applicant training course shall be the
22 standardized training course furnished by the Department and
23 taught by a qualified firearms instructor, consisting of:

24 (1) Twelve hours of classroom instruction, covering
25 at least the following topics:

26 (i) handgun safety in the classroom, at home,
27 on the firing range or while carrying the firearm;

28 (ii) the basic principles of marksmanship;

29 (iii) care and cleaning of handguns; and

30 (iv) by means of a videotape produced or
31 approved by the Department:

32 (A) the requirements for obtaining a
33 concealed firearms permit in this State;

1 (B) laws relating to firearms as
2 prescribed in the Firearm Owners Identification
3 Card Act, Article 24 of the Criminal Code of
4 1961, and 18 U.S.C. 921 through 930;

5 (C) laws relating to the justifiable use
6 of force as prescribed in Article 7 of the
7 Criminal Code of 1961.

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

10 (i) from a standing position;

11 (ii) a minimum of 20 rounds;

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

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
19 to persons who are less than 21 years of age.

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

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

29 (d) Qualified firearms instructors shall not discuss the
30 content of the video tape or the content of the statutory
31 provisions listed in clauses (A), (B), and (C) of
32 subparagraph (iv) of paragraph (1) of subsection (a) with
33 students, either individually or as a class.

34 (e) At the conclusion of the classroom portion of the

1 applicant training course, the qualified firearms instructor
2 shall:

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

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

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

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

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

14 (f) A person shall not:

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

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

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

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

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

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

27 (ii) not allow the firing of a handgun that is
28 not in sound mechanical condition or otherwise may
29 pose a safety hazard.

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

32 (1) does not follow the orders of the certified
33 firearms instructor;

34 (2) in the judgment of the certified firearms

1 instructor, handles a firearm in a manner that poses a
2 danger to the applicant or to others; or

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

6 (i) Certified firearms instructors shall:

7 (1) allow monitoring of their classes by officials
8 of any certifying agency;

9 (2) make all course records available upon demand
10 to authorized personnel of the Department; and

11 (3) not divulge course records except as authorized
12 by the certifying agency.

13 (j) (1) Fees for applicant training courses shall not
14 exceed \$75 per student.

15 (2) Qualified firearms instructors shall collect
16 the fee and remit \$25 of the fee to the Department.

17 (3) Fees shall not be refunded to students who fail
18 or otherwise do not complete the course.

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

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

24 (1) grade the examinations and

25 (2) mail to the Department:

26 (i) the completed course application
27 form, showing the student's score on the
28 written examination and indicating whether
29 the student passed or failed the range
30 work, and

31 (ii) the graded examinations.

32 (m) Within 15 days after receipt of the material
33 described in section (l), the Department shall mail to the
34 applicant:

1 (i) A certificate of successful course completion;
2 or

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

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

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

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

11 (o) (i) Students who score below 70% on the written
12 examination may retake the examination one time without
13 having to retake the course.

14 (ii) Students who do not achieve a grade of
15 "passing" on the range work may repeat the range work one
16 time without having to retake the course.

17 (iii) Notices of failure will include information
18 on whether the student failed the written exam, the range
19 firing, or both.

20 Section 95. Firearms instructors training.

21 (a) Persons who are not qualified firearms instructors
22 shall not teach applicant training courses.

23 (b) Persons who are not qualified firearms instructors
24 shall not advertise or otherwise represent courses they teach
25 as qualifying their students to meet the requirements to
26 receive a permit to carry concealed firearms in this State.

27 (c) Persons who are not certified instructor trainers
28 shall not teach instructor qualification courses.

29 (d) Persons wishing to become qualified firearms
30 instructors shall:

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

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

33 (3) meet the requirements of subsection (b) of

1 Section 25.

2 (e) Persons wishing to become instructor trainers, in
3 addition to the requirements of subsection (d) of this
4 Section, shall:

5 (1) possess a high school diploma or GED
6 certificate,

7 (2) have at least one of the following valid
8 firearms instructor certifications:

9 (I) National Rifle Association Personal
10 Protection Instructor;

11 (II) National Rifle Association Pistol
12 Marksmanship Instructor;

13 (III) Certification from a firearms
14 instructor's course offered by a State or federal
15 governmental agency; or

16 (IV) A similar firearms instructor qualifying
17 course, approved the Director of State Police or his
18 or her designee.

19 (f) (1) Applicants shall agree to background checks.

20 (2) An applicant may be disqualified from taking
21 firearms instructor training, or have his or her
22 instructor qualification revoked if the applicant:

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

25 (B) provides false or misleading information
26 on the application; or

27 (C) has had a prior instructor qualification
28 revoked by the Department.

29 (g) The training course to certify firearms instructors
30 and instructor trainers shall include:

31 (1) Sixteen hours of classroom instruction covering
32 at least the following topics:

33 (i) By means of a videotape produced or
34 approved by the Department:

1 (A) the requirements for obtaining a concealed
2 firearms permit in this State;

3 (B) laws relating to firearms as contained in
4 the Firearm Owners Identification Card Act, Article
5 24 of the Criminal Code of 1961, and 18 U.S.C. 921
6 through 930.

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

10 (D) the conduct of applicant training courses;

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

12 (F) the basic nomenclature of handguns;

13 (G) the basic principles of marksmanship; and

14 (H) the safe handling of handguns.

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

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

24 (i) handle and fire a handgun safely and
25 accurately;

26 (ii) conduct a function test and safety
27 inspection of common types of handguns;

28 (iii) clean common types of handguns; and

29 (iv) supervise and conduct live firing
30 exercises in a safe and efficient manner.

31 (h) To qualify as a certified firearms instructor or
32 instructor trainer, instructor candidates shall achieve:

33 (1) A minimum score of 70% on a written examination
34 covering the material taught during the classroom portion

1 of the course;

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

6 (i) ten rounds from 7 yards; and

7 (ii) ten rounds from 15 yards; and

8 (iii) a score of "passing" from the
9 course instructor for demonstrating competency
10 in each of the following:

11 (A) Supervising and conducting live fire;

12 (B) Cleaning and inspecting handguns; and

13 (C) Preparing and delivering the classroom
14 lecture.

15 (i) Instructor candidates who fail to meet the minimum
16 requirements of subsection (h) of this Section may retake the
17 examination, range work, or classroom demonstration one time
18 without having to repeat the course.

19 (j) Qualified firearms instructor and instructor trainer
20 certificates shall be valid for 3 years from date of issue.
21 Qualified firearms instructors or instructor trainers may
22 renew their certification by successfully completing a
23 refresher course offered or approved by the Department.

24 (k) The fees for instructor trainer or refresher courses
25 shall be \$100 per student.

26 (1) The fees for qualified instructor courses shall
27 be no more than \$100 per student. The instructor trainer
28 shall remit \$50 per student to the Department.

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

31 (l) Course participants shall provide their own safe,
32 functional handgun and factory-loaded ammunition.

33 (m) Prior to conducting range firing, the course
34 instructor shall:

- 1 (i) inspect each applicant's firearm; and
- 2 (ii) not allow the firing of a handgun which is not
- 3 in sound mechanical condition or otherwise may pose a
- 4 safety hazard.

5 Section 100. Severability. The provisions of this Act
6 are severable under Section 1.31 of the Statute on Statutes.

7 Section 905. The Firearm Owners Identification Card Act
8 is amended by changing Section 13.1 as follows:

9 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

10 Sec. 13.1. The provisions of any ordinance enacted by any
11 municipality which requires registration or imposes greater
12 restrictions or limitations on the acquisition, possession
13 and transfer of firearms than are imposed by this Act, are
14 not invalidated or affected by this Act, except that an
15 ordinance of a unit of local government, including a home
16 rule unit, is invalid if it is inconsistent with the Family
17 and Personal Protection Act. It is declared to be the policy
18 of this State that the regulation of the right to carry
19 concealed firearms is an exclusive power and function of the
20 State. A home rule unit may not regulate the issuance of
21 permits to carry concealed firearms. This Section is a
22 denial and limitation of home rule powers and functions under
23 subsection (h) of Section 6 of Article VII of the Illinois
24 Constitution.

25 (Source: P.A. 76-1939.)

26 Section 910. The Criminal Code of 1961 is amended by
27 changing Section 24-2 as follows:

28 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

29 Sec. 24-2. Exemptions.

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

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

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

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

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

25 (5) Persons licensed as private security
26 contractors, private detectives, or private alarm
27 contractors, or employed by an agency certified by the
28 Department of Professional Regulation, if their duties
29 include the carrying of a weapon under the provisions of
30 the Private Detective, Private Alarm, and Private
31 Security Act of 1983, while actually engaged in the
32 performance of the duties of their employment or
33 commuting between their homes and places of employment,
34 provided that such commuting is accomplished within one

1 hour from departure from home or place of employment, as
2 the case may be. Persons exempted under this subdivision
3 (a)(5) shall be required to have completed a course of
4 study in firearms handling and training approved and
5 supervised by the Department of Professional Regulation
6 as prescribed by Section 28 of the Private Detective,
7 Private Alarm, and Private Security Act of 1983, prior to
8 becoming eligible for this exemption. The Department of
9 Professional Regulation shall provide suitable
10 documentation demonstrating the successful completion of
11 the prescribed firearms training. Such documentation
12 shall be carried at all times when such persons are in
13 possession of a concealable weapon.

14 (6) Any person regularly employed in a commercial
15 or industrial operation as a security guard for the
16 protection of persons employed and private property
17 related to such commercial or industrial operation, while
18 actually engaged in the performance of his or her duty or
19 traveling between sites or properties belonging to the
20 employer, and who, as a security guard, is a member of a
21 security force of at least 5 persons registered with the
22 Department of Professional Regulation; provided that such
23 security guard has successfully completed a course of
24 study, approved by and supervised by the Department of
25 Professional Regulation, consisting of not less than 40
26 hours of training that includes the theory of law
27 enforcement, liability for acts, and the handling of
28 weapons. A person shall be considered eligible for this
29 exemption if he or she has completed the required 20
30 hours of training for a security officer and 20 hours of
31 required firearm training, and has been issued a firearm
32 authorization card by the Department of Professional
33 Regulation. Conditions for the renewal of firearm
34 authorization cards issued under the provisions of this

1 Section shall be the same as for those cards issued under
2 the provisions of the Private Detective, Private Alarm
3 and Private Security Act of 1983. Such firearm
4 authorization card shall be carried by the security guard
5 at all times when he or she is in possession of a
6 concealable weapon.

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 for
13 the protection of other employees and property related to
14 such financial institution, while actually engaged in the
15 performance of their duties, commuting between their
16 homes and places of employment, or traveling between
17 sites or properties owned or operated by such financial
18 institution, provided that any person so employed has
19 successfully completed a course of study, approved by and
20 supervised by the Department of Professional Regulation,
21 consisting of not less than 40 hours of training which
22 includes theory of law enforcement, liability for acts,
23 and the handling of weapons. A person shall be considered
24 to be eligible for this exemption if he or she has
25 completed the required 20 hours of training for a
26 security officer and 20 hours of required firearm
27 training, and has been issued a firearm authorization
28 card by the Department of Professional Regulation.
29 Conditions for renewal of firearm authorization cards
30 issued under the provisions of this Section shall be the
31 same as for those issued under the provisions of the
32 Private Detective, Private Alarm and Private Security Act
33 of 1983. Such firearm authorization card shall be
34 carried by the person so trained at all times when such

1 person is in possession of a concealable weapon. For
2 purposes of this subsection, "financial institution"
3 means a bank, savings and loan association, credit union
4 or company providing armored car services.

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

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

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

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

18 (13) Court Security Officers while in the
19 performance of their official duties, or while commuting
20 between their homes and places of employment, with the
21 consent of the Sheriff.

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

28 (14) Manufacture, transportation, or sale of
29 weapons to persons authorized under subdivisions (1)
30 through (13.5) of this subsection to possess those
31 weapons.

32 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
33 24-1.6 do not apply to or affect any of the following:

34 (1) Members of any club or organization organized

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

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

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

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

13 (5) Carrying a concealed firearm by a permittee who
14 has been issued a permit to carry a concealed firearm
15 under the Family and Personal Protection Act.

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

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

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

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

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

32 (5) Persons licensed under federal law to
33 manufacture any weapon from which 8 or more shots or
34 bullets can be discharged by a single function of the

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

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

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

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

34 During transportation, any such weapon shall be

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

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

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

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

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

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

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

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

24 (4) Commerce, preparation, assembly or possession
25 of explosive bullets by manufacturers of ammunition
26 licensed by the federal government, in connection with
27 the supply of those organizations and persons exempted by
28 subdivision (g)(1) of this Section, or like organizations
29 and persons outside this State, or the transportation of
30 explosive bullets to any organization or person exempted
31 in this Section by a common carrier or by a vehicle owned
32 or leased by an exempted manufacturer.

33 (h) An information or indictment based upon a violation
34 of any subsection of this Article need not negative any

1 exemptions contained in this Article. The defendant shall
2 have the burden of proving such an exemption.

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

18 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;
19 92-325, eff. 8-9-01.)

20 Section 1005. Effective date. This Act takes effect
21 upon becoming law.