



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB2607

Introduced 2/18/2005, by Rep. David Reis - Mike Bost - Brandon W. Phelps - John E. Bradley

SYNOPSIS AS INTRODUCED:

New Act

430 ILCS 65/13.1

from Ch. 38, par. 83-13.1

720 ILCS 5/24-2

from Ch. 38, par. 24-2

Creates the Family and Personal Protection Act. Establishes statewide uniform standards for the issuance of permits to carry concealed firearms in this State. Vests in the county sheriff the authority to issue concealed firearms permits to qualified applicants. Requires an applicant to complete a training course in handgun use, safety, and marksmanship. Also requires instruction in the law relating to firearm use. Requires an applicant to be at least 21 years of age. Prohibits an applicant who has been convicted of a felony or has a history of mental illness, addiction, or habitual alcohol use from obtaining a permit. Creates the Citizen Safety and Self-Defense Trust Fund in each county administered by the sheriff. Provides that the moneys in the Fund shall be used to administer the Act. Establishes restrictions on carrying concealed firearms. Establishes standards for the training course and for certifying instructors. Amends the Firearm Owners Identification Card Act. Provides that the Family and Personal Protection Act supersedes an ordinance of a unit of local government inconsistent with that Act. Prohibits a home rule unit from regulating the issuance of permits to carry concealed firearms. Amends the Criminal Code of 1961. Exempts from an unlawful use of weapons and aggravated unlawful use of weapons violation persons who carry or possess firearms in accordance with the Family and Personal Protection Act. Effective immediately.

LRB094 09730 RLC 39986 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

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 that
12 it already regulates the use and possession of concealed
13 firearms under Sections 24-1 and 24-1.6 of the Criminal Code of
14 1961 and that the regulation of concealed firearms is an
15 exclusive Statewide function. The General Assembly does not
16 delegate to the county sheriff the authority to regulate or
17 restrict the issuing of concealed firearms permits provided for
18 in this Act beyond those provisions contained in this Act.

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

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

24 "Fund" means the Citizen Safety and Self-Defense Trust Fund
25 in each county.

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

28 "Permit" means a permit to carry a concealed firearm issued
29 by the county sheriff.

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

1 Section 15. Permit for concealed firearms. The county
2 sheriff is authorized to issue permits to carry concealed
3 firearms to persons qualified as provided in this Act. Permits
4 to carry concealed firearms shall be valid throughout the State
5 for a period of 3 years from the date of issuance. Any person
6 in compliance with the terms of the permit may carry concealed
7 firearms on or about his or her person. The permittee shall
8 carry the permit at all times the permittee is carrying a
9 concealed firearm and shall display the permit upon the request
10 of a law enforcement officer.

11 Section 20. Application for permit and qualifications of
12 applicants.

13 (a) An applicant for a permit shall obtain the application
14 from the county sheriff. If the applicant resides in a county
15 of less than 3,000,000 inhabitants (or if the applicant resides
16 in a county of 3,000,000 or more inhabitants but not within any
17 municipality), the application for a permit or renewal of a
18 permit to carry a concealed firearm shall be submitted to the
19 office of the sheriff of the county in which the applicant
20 resides. The completed application and all accompanying
21 material plus an application fee of \$100 for a new permit or
22 \$75 for a renewal shall be presented to the office of the
23 sheriff of the county in which the applicant resides.

24 The sheriff shall evaluate the application, accompanying
25 material and any objections to the application within 10
26 working days. The application fee shall be retained by the
27 office of the sheriff for official expenses of the office.

28 The sheriff may state specific and articulable reasons to
29 deny an application for a concealed firearms permit. He or she
30 shall articulate the reasons for denial in a written report and
31 maintain that report in his or her office along with the
32 completed application which shall be available to the applicant
33 for a concealed firearms permit. Within 10 working days, the
34 sheriff shall either issue or deny the permit.

1 (b) The county sheriff, upon a person's application for a
2 concealed firearms permit, upon receipt of the appropriate
3 fees, and after compliance with the procedures set out in this
4 Section, shall issue the applicant a concealed firearms permit
5 if the person:

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

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

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

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

18 (v) Has not been committed to a state or federal
19 facility for the abuse of a controlled substance or
20 cannabis and 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 alcoholic
27 beverages as evidenced by the applicant having 2 or more
28 convictions for violating Section 11-501 of the Illinois
29 Vehicle Code or a similar provision of a local ordinance
30 within 5 years preceding his or her application or the
31 applicant having elected treatment under the supervision
32 of a licensed program in accordance with the Alcoholism and
33 Other Drug Abuse and Dependency Act or similar laws of any
34 other state within a 5 year period immediately preceding
35 the date on which the application is submitted.

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

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

9 (ii) a head and shoulder color photograph taken within
10 30 days preceding the date on which the application is
11 submitted;

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

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

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

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

30 (vii) an affirmation that the applicant is at least 21
31 years of age, that the applicant possesses a currently
32 valid Illinois Firearm Owner's Identification Card,
33 together with the card number, or is applying for the card
34 in conjunction with the concealed firearms permit
35 application;

36 (viii) an affirmation that the applicant has never been

1 convicted of any felony or of a misdemeanor involving the
2 use or threat of physical force or violence to any person;
3 and has never been adjudicated a delinquent minor for an
4 offense which, had he or she been tried as an adult, would
5 have been such a felony or misdemeanor.

6 The application shall also contain the following statement
7 along with a signature line for use by the applicant, which
8 statement the applicant shall affirm under oath: "I, the
9 undersigned, state, under oath and subject to the penalty of
10 perjury, that I am not a streetgang member as defined in
11 Section 10 of the Illinois Streetgang Terrorism Omnibus
12 Prevention Act, and I will not join or become associated with a
13 criminal streetgang."

14 Section 30. Submission of identifying information; fee. In
15 addition to the completed application, the applicant must also
16 submit the following to the sheriff of the county in which the
17 applicant resides:

18 (i) A head and shoulder color photograph as required by
19 Section 25 in a size specified by the sheriff taken within
20 30 days preceding the date on which the application is
21 submitted.

22 (ii) A non-refundable permit fee of \$100 if he or she
23 has not previously been issued such a permit by the county
24 sheriff, or a non-refundable permit fee of \$75 for each
25 renewal of a permit.

26 (iii) A photocopy of a certificate or other evidence of
27 completion of a course to show compliance with Section 80
28 of this Act.

29 Section 35. Approval of application.

30 (a) If the sheriff finds that the applicant possesses a
31 valid Firearm Owner's Identification Card, meets the training
32 requirements of this Act and has provided the documentation and
33 paid the fees required for issuance of a concealed firearms
34 permit, and that, as nearly as it is possible to determine,

1 nothing in the applicant's background or present circumstances
2 disqualify him or her from possessing a firearm in Illinois, he
3 or she shall approve the application and issue the applicant a
4 wallet sized permit bearing the photograph of the applicant
5 within 90 days.

6 (b) The sheriff may consider any objection or
7 recommendation supported by specific and articulable reasons,
8 in a written report, why the applicant should be denied a
9 permit and may deny the permit based solely on those
10 objections.

11 (c) If the applicant is found to be ineligible, the sheriff
12 shall deny the application and notify the applicant in writing,
13 stating the grounds for denial and informing the applicant of
14 the right to submit, within 30 days, any additional
15 documentation relating to the grounds of the denial. Upon
16 receiving any additional documentation, the sheriff shall
17 reconsider his or her decision and inform the applicant within
18 30 days of the result of the reconsideration. The applicant
19 shall further be informed of the right to appeal the denial in
20 the circuit court of his or her place of residence.

21 (d) The sheriff shall maintain an automated listing of
22 permit holders and pertinent information, and this information
23 shall be available on-line, upon request, at all times to all
24 Illinois law enforcement agencies. Except as provided in this
25 subsection, information on applications for permits, names and
26 addresses, or other identifying information relating to permit
27 holders shall be confidential and shall not be made available
28 except to law enforcement agencies. Requests for information
29 about any permit holder made by persons other than a bona fide
30 law enforcement agency shall be made to the sheriff together
31 with any fee required for the providing of information. The
32 sheriff shall, upon proper application and the payment of the
33 required fee, provide to the requester in written form only, a
34 list of names of any holders in the county permitted to carry a
35 concealed firearm. No identifying information other than the
36 name shall be provided, and information for geographic areas or

1 other subdivisions of any type from the list shall not be
2 provided, except to a bona fide law enforcement agency, and
3 shall be confidential. No requests for lists of local or
4 statewide permit holders shall be made to any State or local
5 law enforcement agency. No other agency of government other
6 than the sheriff shall provide any information to a requester
7 not entitled to it by law. The names of all persons, other than
8 law enforcement agencies and peace officers, requesting
9 information under this Section shall be public records.

10 Section 40. Revocation of a permit. A permit issued under
11 Section 35 shall be suspended or revoked if the permit holder
12 becomes ineligible to be issued a permit under the criteria set
13 forth in paragraphs (i), (ii), (iii), (iv), (v), and (vi) of
14 subsection (b) of Section 20 or subsection (b) of Section 35 of
15 this Act. When an order of protection is issued under Section
16 112A-14 of the Code of Criminal Procedure of 1963 or under
17 Section 214 of the Illinois Domestic Violence Act of 1986
18 against a person holding a permit issued under this Act, the
19 holder of the permit shall surrender the permit to the court or
20 to the officer serving the order. The officer to whom the
21 permit is surrendered shall forthwith transmit the permit to
22 the court issuing the order. The permit shall be suspended
23 until the order is terminated.

24 Section 45. Notification of renewal. Not later than 120
25 days before the expiration of any permit issued under this Act,
26 the sheriff shall notify the permit holder in writing of the
27 expiration and furnish an application for renewal of the
28 permit.

29 Section 50. Renewal of permit.

30 (a) The permit shall be renewed for a qualified applicant
31 upon receipt of the properly completed renewal application and
32 required renewal fee. The renewal application shall contain the
33 same required information as set forth in paragraphs (i)

1 through (ix) of Section 25, except that in lieu of the firearm
2 education and use of deadly force training, the applicant need
3 only demonstrate previous issuance of and continued
4 eligibility for a concealed firearms permit.

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

10 Section 55. Change of address, change of name, or lost or
11 destroyed permits.

12 (a) Within 30 days after the changing of a permanent
13 residence, or within 30 days after loss or destruction of a
14 concealed firearms permit, the permittee shall notify the
15 sheriff of the loss, destruction, change of name, or change of
16 residence. Failure to notify the sheriff shall constitute a
17 noncriminal violation with a penalty of \$25 payable to the
18 sheriff.

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

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

1 and submission of an application as set forth in Section 20 and
2 a photograph as set forth in paragraph (ii) of Section 25 of
3 this Act.

4 Section 60. Reciprocity. A person who holds a valid permit
5 or license issued by another state of the United States whose
6 home state permits Illinois residents to obtain a permit or
7 license to carry a concealed firearm in that state may apply
8 directly to the sheriff for a permit to carry a concealed
9 firearm in Illinois. The sheriff shall take whatever steps are
10 necessary to verify that the person applying has a valid permit
11 or license to carry a concealed firearm issued by his or her
12 home state.

13 Section 65. Concealed firearms permit.

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

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

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

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

30 (iv) Any meeting of the governing body of a unit of
31 local government; or any meeting of the General Assembly or
32 a committee of the General Assembly, except that nothing in
33 this Section shall preclude a member of the body holding a
34 concealed firearms permit from carrying a concealed

1 firearm at a meeting of the body of which he or she is a
2 member.

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

24 (v) Any portion of an establishment licensed to
25 dispense beer or alcoholic beverages for consumption on the
26 premises, which portion of the establishment is primarily
27 devoted to that purpose.

28 This paragraph (v) does not apply to any bona fide
29 restaurant open to the general public having dining
30 facilities for not less than 50 persons and that receives
31 at least 50% of its gross annual income from the dining
32 facilities by the sale of food.

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

35 (vii) Any place where the carrying of a firearm is
36 prohibited by federal law.

1 (viii) Any elementary or secondary school facility
2 without the consent of school authorities.

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

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

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

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

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

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

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

18 (b) The owner, business or commercial lessee, manager of a
19 private business enterprise, or any other organization,
20 entity, or person may prohibit persons holding a permit for
21 concealed firearms from carrying concealed firearms on the
22 premises and may prohibit employees, not authorized by the
23 employer, holding a permit for concealed firearms from carrying
24 concealed firearms on the property of the employer. If the
25 building or the premises are open to the public, the employer
26 of the business enterprise shall post signs on or about the
27 premises if carrying a concealed firearm is prohibited.
28 Possession of a firearm in a vehicle on the premises shall not
29 be a criminal offense so long as the firearm is not removed
30 from the vehicle or brandished while the vehicle is on the
31 premises. An employer may prohibit employees or other persons
32 holding a permit for a concealed firearm from carrying a
33 concealed firearm in vehicles owned by the employer. Carrying
34 of a concealed firearm in a location specified in this
35 subsection by a permit holder shall not be a criminal act but
36 may subject the person to denial to the premises or removal

1 from the premises.

2 Section 70. Immunity of sheriff and his or her employees
3 and agents. The sheriff or office of the county sheriff or any
4 employee or agent of the sheriff shall not be liable for
5 damages in any civil action arising from alleged wrongful or
6 improper granting, renewing, or failure to revoke permits
7 issued under this Act. The office of the county sheriff or any
8 employee or agent of the office of the county sheriff shall not
9 be liable for stating specific and articulable reasons why an
10 applicant should be denied a permit.

11 Section 75. Fees. Fees collected under this Act and
12 deposited into the Citizen Safety and Self-Defense Trust Fund
13 of each county shall be used exclusively for administrating the
14 provisions of this Act; except that, commencing January 1,
15 2007, any excess monies in the Fund may be used to ensure the
16 prompt and efficient processing of applications received under
17 Section 20 of this Act.

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

19 New permit..\$100

20 Renewal..\$75

21 Duplicate due to lost or destroyed..\$25

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

23 Late renewal fee..\$25

24 (ii) The Secretary of State shall conduct a study to
25 determine the cost and feasibility of creating a method of
26 adding an identifiable code, background, or other means to show
27 that an individual has been issued a permit to carry a
28 concealed firearm by the sheriff on the person's driver's
29 license. By March 1 of each year, the sheriff shall submit a
30 statistical report to the Governor, the President of the
31 Senate, and the Speaker of the House of Representatives,
32 indicating the number of permits issued, revoked, suspended,
33 denied, and issued after appeal since the last report and in
34 total and also the number of permits currently valid. The

1 report shall also include the number of arrests, convictions,
2 and types of crimes since the last report by individuals issued
3 permits to carry a concealed firearm.

4 Section 80. Applicant training.

5 (a) The applicant training course shall be the standardized
6 training course furnished by the sheriff and taught by a
7 qualified firearms instructor, consisting of:

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

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

12 (ii) the basic principles of marksmanship;

13 (iii) care and cleaning of handguns; and

14 (iv) by means of a videotape produced or approved
15 by the sheriff:

16 (A) the requirements for obtaining a concealed
17 firearms permit in this State;

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

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

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

27 (i) from a standing position;

28 (ii) a minimum of 20 rounds;

29 (iii) at a distance from a B-21 silhouette target,
30 or an equivalent as approved by the sheriff, of 7
31 yards.

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

35 (c) (1) An applicant training course shall not be open to

1 persons who are less than 21 years of age.

2 (2) An applicant training course student shall
3 complete a course application form, which shall include a
4 statement acknowledging receipt of copies of pertinent
5 statutory provisions listed in clauses (A), (B), and (C) of
6 subparagraph (iv) of paragraph (1) of subsection (a) and a
7 liability waiver.

8 (3) The course application form may be obtained from
9 the qualified firearms instructor at the time of the
10 course.

11 (d) Qualified firearms instructors shall not discuss the
12 content of the video tape or the content of the statutory
13 provisions listed in clauses (A), (B), and (C) of subparagraph
14 (iv) of paragraph (1) of subsection (a) with students, either
15 individually or as a class.

16 (e) At the conclusion of the classroom portion of the
17 applicant training course, the qualified firearms instructor
18 shall:

19 (1) distribute a standard course examination to the
20 students;

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

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

25 (4) not grade the examinations in the presence of
26 students; and

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

30 (f) A person shall not:

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

33 (2) Possess the applicant training course examination,
34 or questions from the examination, unless authorized by the
35 sheriff; or

36 (3) Divulge the contents of an applicant training

1 course examination questions to another person.

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

4 (2) Prior to conducting range firing, the certified
5 firearms instructor shall:

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

7 (ii) not allow the firing of a handgun that is not
8 in sound mechanical condition or otherwise may pose a
9 safety hazard.

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

12 (1) does not follow the orders of the certified
13 firearms instructor;

14 (2) in the judgment of the certified firearms
15 instructor, handles a firearm in a manner that poses a
16 danger to the applicant or to others; or

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

20 (i) Certified firearms instructors shall:

21 (1) allow monitoring of their classes by officials of
22 any certifying agency;

23 (2) make all course records available upon demand to
24 authorized personnel of the sheriff; and

25 (3) not divulge course records except as authorized by
26 the certifying agency.

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

29 (2) Qualified firearms instructors shall collect the
30 fee and remit \$25 of the fee to the sheriff.

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

33 (k) An applicant training course shall not have more than
34 40 students in the classroom portion or more than 5 students
35 per range officer engaged in range firing.

36 (l) Within 3 working days after the completion of the

1 course, the certified firearms instructor shall:

2 (1) grade the examinations; and

3 (2) mail to the sheriff:

4 (i) the completed course application form,
5 showing each student's score on the written
6 examination and indicating whether the student
7 passed or failed the range work; and

8 (ii) the graded examinations.

9 (m) Within 15 days after receipt of the material described
10 in subsection (1), the sheriff shall mail to the applicant:

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

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

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

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

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

19 (o) (i) Students who score below 70% on the written
20 examination may retake the examination one time without having
21 to retake the course.

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

25 (iii) Notices of failure must include information on
26 whether the student failed the written exam, the range
27 firing, or both.

28 Section 85. Firearms instructors training.

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

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

35 (c) Persons who are not certified instructor trainers shall

1 not teach instructor qualification courses.

2 (d) Persons wishing to become qualified firearms
3 instructors shall:

- 4 (1) be at least 21 years of age;
5 (2) be a citizen of the United States; and
6 (3) meet the requirements of subsection (b) of Section
7 25.

8 (e) Persons wishing to become instructor trainers, in
9 addition to the requirements of subsection (d) of this Section,
10 shall:

- 11 (1) possess a high school diploma or GED certificate;
12 and
13 (2) have at least one of the following valid firearms
14 instructor certifications:

15 (I) National Rifle Association Personal Protection
16 Instructor;

17 (II) National Rifle Association Pistol
18 Marksmanship Instructor;

19 (III) Certification from a firearms instructor's
20 course offered by a State or federal governmental
21 agency; or

22 (IV) A similar firearms instructor qualifying
23 course, approved the Director of State Police or his or
24 her designee.

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

26 (2) An applicant may be disqualified from taking
27 firearms instructor training, or have his or her instructor
28 qualification revoked, if the applicant:

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

31 (B) provides false or misleading information on
32 the application; or

33 (C) has had a prior instructor qualification
34 revoked by the sheriff.

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

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

3 (i) By means of a videotape produced or approved by
4 the sheriff:

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

7 (B) laws relating to firearms as contained in the
8 Firearm Owners Identification Card Act, Article 24 of
9 the Criminal Code of 1961, and 18 U.S.C. 921 through
10 930;

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

13 (D) the conduct of applicant training courses;

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

15 (F) the basic nomenclature of handguns;

16 (G) the basic principles of marksmanship; and

17 (H) the safe handling of handguns.

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

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

27 (i) handle and fire a handgun safely and
28 accurately;

29 (ii) conduct a function test and safety inspection
30 of common types of handguns;

31 (iii) clean common types of handguns; and

32 (iv) supervise and conduct live firing exercises
33 in a safe and efficient manner.

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

36 (1) A minimum score of 70% on a written examination

1 covering the material taught during the classroom portion
2 of the course;

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

7 (i) ten rounds from 7 yards; and

8 (ii) ten rounds from 15 yards; and

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

12 (A) Supervising and conducting live fire;

13 (B) Cleaning and inspecting handguns; and

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

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

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

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

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

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

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

35 (m) Prior to conducting range firing, the course instructor
36 shall:

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

5 Section 90. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.

7 Section 905. The Firearm Owners Identification Card Act is
8 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 and
13 transfer of firearms than are imposed by this Act, are not
14 invalidated or affected by this Act, except that an ordinance
15 of a unit of local government, including a home rule unit, is
16 invalid if it is inconsistent with the Family and Personal
17 Protection Act. It is declared to be the policy of this State
18 that the regulation of the right to carry concealed firearms is
19 an exclusive power and function of the State. A home rule unit
20 may not regulate the issuance of permits to carry concealed
21 firearms. This Section is a denial and limitation of home rule
22 powers and functions under subsection (h) of Section 6 of
23 Article VII of the Illinois Constitution.

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

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

27 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

28 Sec. 24-2. Exemptions.

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

31 (1) Peace officers, and any person summoned by a peace

1 officer to assist in making arrests or preserving the
2 peace, while actually engaged in assisting such officer.

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

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

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

19 (5) Persons licensed as private security contractors,
20 private detectives, or private alarm contractors, or
21 employed by an agency certified by the Department of
22 Professional Regulation, if their duties include the
23 carrying of a weapon under the provisions of the Private
24 Detective, Private Alarm, Private Security, and Locksmith
25 Act of 2004, while actually engaged in the performance of
26 the duties of their employment or commuting between their
27 homes and places of employment, provided that such
28 commuting is accomplished within one hour from departure
29 from home or place of employment, as the case may be.
30 Persons exempted under this subdivision (a)(5) shall be
31 required to have completed a course of study in firearms
32 handling and training approved and supervised by the
33 Department of Professional Regulation as prescribed by
34 Section 28 of the Private Detective, Private Alarm, Private
35 Security, and Locksmith Act of 2004, prior to becoming
36 eligible for this exemption. The Department of

1 Professional Regulation shall provide suitable
2 documentation demonstrating the successful completion of
3 the prescribed firearms training. Such documentation shall
4 be carried at all times when such persons are in possession
5 of a concealable weapon.

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 of at
13 least 5 persons registered with the Department of
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 Professional
17 Regulation, consisting of not less than 40 hours of
18 training that includes the theory of law enforcement,
19 liability for acts, and the handling of weapons. A person
20 shall be considered eligible for this exemption if he or
21 she has completed the required 20 hours of training for a
22 security officer and 20 hours of required firearm training,
23 and has been issued a firearm authorization card by the
24 Department of Professional Regulation. Conditions for the
25 renewal of firearm authorization cards issued under the
26 provisions of this Section shall be the same as for those
27 cards issued under the provisions of the Private Detective,
28 Private Alarm, Private Security, and Locksmith Act of 2004.
29 Such firearm authorization card shall be carried by the
30 security guard at all times when he or she is in possession
31 of a concealable weapon.

32 (7) Agents and investigators of the Illinois
33 Legislative Investigating Commission authorized by the
34 Commission to carry the weapons specified in subsections
35 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
36 any investigation for the Commission.

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

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

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

33 (11) Investigators of the Office of the State's
34 Attorneys Appellate Prosecutor authorized by the board of
35 governors of the Office of the State's Attorneys Appellate
36 Prosecutor to carry weapons pursuant to Section 7.06 of the

1 State's Attorneys Appellate Prosecutor's Act.

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

4 (12.5) Probation officers while in the performance of
5 their duties, or while commuting between their homes,
6 places of employment or specific locations that are part of
7 their assigned duties, with the consent of the chief judge
8 of the circuit for which they are employed.

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 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
23 24-1.6 do not apply to or affect any of the following:

24 (1) Members of any club or organization organized for
25 the purpose of practicing shooting at targets upon
26 established target ranges, whether public or private, and
27 patrons of such ranges, while such members or patrons are
28 using their firearms on those target ranges.

29 (2) Duly authorized military or civil organizations
30 while parading, with the special permission of the
31 Governor.

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

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

36 (5) Carrying a concealed firearm by a permittee who has

1 been issued a permit to carry a concealed firearm under the
2 Family and Personal Protection Act.

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

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

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

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

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

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

32 During transportation, such weapons shall be broken
33 down in a non-functioning state or not immediately
34 accessible.

35 (6) The manufacture, transport, testing, delivery,
36 transfer or sale, and all lawful commercial or experimental

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

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

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

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

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

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

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

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

35 (2) Bonafide collectors of antique or surplus military
36 ordinance.

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

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

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

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

34 (i) Nothing in this Article shall prohibit, apply to, or
35 affect the transportation, carrying, or possession, of any
36 pistol or revolver, stun gun, taser, or other firearm consigned

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

12 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
13 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

14 Section 999. Effective date. This Act takes effect upon
15 becoming law.