



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2257

Introduced 2/18/2009, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Citizen's Self-Defense Act. Authorizes the Department of Natural Resources to issue a license to carry a defensive firearm ("LTC") to individuals who meet, among other things, certain training and education requirements. Authorizes the holder of an LTC to carry a defensive firearm, except in an area prohibited under the Act. Requires any LTC issued by another state or municipality to be honored in Illinois. Sets out other provisions related to reciprocity. Authorizes persons who have been issued an order of protection to seek an emergency LTC. Authorizes the Department to deny an application for or revoke an LTC under certain circumstances. Sets out provisions regarding the renewal of an LTC and other administrative matters. Sets forth the penalties for certain violations of the Act. Amends the State Finance Act. Creates the Citizen Safety and Self-Defense Trust Fund as a special fund in the State treasury. Amends the Firearm Owners Identification Card Act. Provides that an ordinance of a unit of local government is invalid if inconsistent with the Citizen's Self-Defense Act. Amends the Criminal Code of 1961. Provides that persons who carry or possess a defensive firearm in accordance with the Citizen's Self-Defense Act are exempt from conviction for unlawful use of weapons and aggravated unlawful use of weapons. Provides that a firearm is not subject to confiscation solely because it is carried in violation of the Citizen's Self-Defense Act. Effective January 1, 2010.

LRB096 06199 JDS 16281 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning firearms.

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

4 Section 1. Short title. This Act may be cited as the  
5 Citizen's Self-Defense Act.

6 Section 5. Legislative declaration. The General Assembly  
7 finds as a matter of public policy that in order to promote and  
8 protect the health, safety, and welfare of the public, it is  
9 necessary and in the public interest to provide a system of  
10 identifying persons who are qualified to carry firearms on or  
11 about their persons for the purpose of lawful self-defense of  
12 themselves and others within the State of Illinois by the  
13 establishment of a system of License to Carry Cards, thereby  
14 establishing a practical and workable system by which law  
15 enforcement authorities will be afforded an opportunity to  
16 identify those persons who are qualified by this Act.

17 Section 10. Definitions.

18 "Administrative decision" is defined as in Section 3-101 of  
19 the Code of Civil Procedure.

20 "Conspicuous" means lettering in red bold typeface at least  
21 1-1/2 inches in height against a white contrasting background  
22 that is at least 11 inches by 14 inches in size.

1 "Director" means the Director of the Department of Natural  
2 Resources.

3 "Department" means the Department of Natural Resources.

4 "License to Carry" ("LTC") means a license to carry a  
5 defensive firearm issued by the Department.

6 "Private establishment" means a building, structure, or  
7 portion of a building or structure that is owned, leased,  
8 controlled, or operated by a nongovernmental entity for a  
9 nongovernmental purpose.

10 "Prominently" means readily visible, located within 4 feet  
11 laterally of every entrance, and placed so that the bottom of  
12 the sign rests at a height of 4 to 6 feet above the floor.

13 "Reasonable request" means a request made under the  
14 following circumstances:

15 (i) the requester will prominently post a conspicuous  
16 sign at every entrance to the establishment.

17 (ii) the requester or the requester's agent personally  
18 informs the person that guns are prohibited in the premises  
19 and demands compliance.

20 Section 15. Issuance of LTC. Each applicant shall obtain an  
21 application from the Department. Each application package  
22 shall contain application instructions, an application form,  
23 and a copy of the Illinois Criminal Code use of deadly  
24 force-exoneration statute (720 ILCS 5/7-1 et seq.). The  
25 completed application form shall include (i) the applicant's

1 name, address, gender, and date of birth, (ii) a statement that  
2 the applicant is 21 years of age or older, (iii) a statement  
3 that the applicant is a resident of the State of Illinois and  
4 has been so for at least 6 months and is a citizen or permanent  
5 resident of the United States, (iv) a statement that the  
6 applicant has not been convicted of a felony or of a crime of  
7 domestic violence, has not been adjudicated mentally ill, and  
8 is not addicted to illegal chemical substances, and (v) a  
9 statement that the applicant has read and understands Illinois  
10 law regarding use of deadly force. The applicant shall sign the  
11 form under oath and penalty of perjury. The application must be  
12 accompanied by (i) a photocopy of the applicant's valid FOID  
13 card, (ii) proof of the applicant's completion of training  
14 requirements, and (iii) a \$50 fee for licensing and criminal  
15 background check. If the Department finds that the applicant  
16 has completed and signed the form, possesses a valid FOID card,  
17 and meets the training requirements, the Department must  
18 conduct a criminal background check of the applicant with the  
19 State of Illinois and the FBI. Upon confirmation of a clear  
20 criminal record, the Department shall produce and issue a  
21 wallet-sized LTC to the applicant. The time from the  
22 Department's receipt of a complete application until issuance  
23 or denial of an LTC shall not exceed 60 days. The LTC shall be  
24 valid for 5 years after the issuing date. Within 6 months of  
25 expiration, the Department shall provide the licensee with an  
26 application package by mail. Each LTC renewal shall include all

1 the documentation required of new applications, except that  
2 additional training shall not be required. The renewal fee  
3 shall be \$35, and the renewal LTC shall be valid for 5 years.

4 Section 20. Contents of the LTC.

5 (a) Each LTC issued by the Department shall contain the  
6 applicant's name, residence, date of birth, sex, physical  
7 description, recent photograph, and signature. Each LTC must  
8 have the expiration date boldly and conspicuously displayed on  
9 the face of the card. Each LTC must have printed on it the  
10 following: "This card permits the bearer to lawfully carry  
11 loaded firearms on or about his or her person." The Department  
12 shall use the person's digital photograph and signature from  
13 his or her Illinois driver's license or Illinois Identification  
14 Card, if available. The Department shall decline to use a  
15 person's digital photograph or signature if the digital  
16 photograph or signature is the result of or associated with  
17 fraudulent or erroneous data, unless otherwise provided by law.

18 (b) A person applying for an LTC shall consent to the  
19 Department's use of the applicant's digital driver's license or  
20 Illinois Identification Card photograph, if available, and  
21 signature on the applicant's LTC. The Secretary of State shall  
22 allow the Department to access the photograph and signature for  
23 the purpose of identifying the applicant and issuing an LTC to  
24 the applicant.

1           Section 25. Fees. There is hereby created as a special fund  
2 in the State treasury the Citizen Safety and Self-Defense Trust  
3 Fund. Fees collected under this Act shall be deposited into the  
4 Citizen Safety and Self-Defense Trust Fund and shall be used  
5 exclusively for administering this Act.

6           Section 30. Training and education requirements.

7           (a) Each applicant must demonstrate safe handling and  
8 proficiency with a firearm by any one of the following methods:

9           (1) Completion of a firearms safety or training course  
10 or class available to the general public, which includes a  
11 minimum of 8 hours of instruction on the safe use of  
12 firearms, marksmanship principles, a live fire exercise of  
13 at least 50 rounds, and the presentation of a DVD produced  
14 by the Illinois Attorney General's office explaining  
15 Illinois law regarding the lawful use of deadly force; or a  
16 course instructed by a law enforcement agency, junior  
17 college, college, private or public institution or  
18 organization, or firearms training school, utilizing  
19 instructors certified by the National Rifle Association,  
20 the Law Enforcement Training Standards Board, or the  
21 Department.

22           (2) Completion of any law enforcement firearms safety  
23 or training course or class offered for security guards,  
24 investigators, special deputies, or any division or  
25 subdivision of law enforcement or security enforcement.

1           (3) Presenting evidence to the Department of  
2 equivalent experience with a firearm through participation  
3 in organized shooting competition or military service.

4           (4) Presenting to the Department a valid license to  
5 carry a firearm issued by another state.

6           (5) Presenting to the Department evidence of  
7 certification as an instructor by the National Rifle  
8 Association, the Law Enforcement Training Standards Board,  
9 or the Department.

10          (b) Accompanying the application package shall be one or  
11 more of the following: (i) a photocopy of a certificate showing  
12 completion of a qualified course or classes; (ii) a  
13 standardized affidavit (from the instructor, school, club,  
14 organization, or group that conducted or taught the course or  
15 class) attesting to the completion of the course or class by  
16 the applicant; or (iii) a copy of any document that shows  
17 completion of the course or class. Any person who conducts a  
18 course and attests, as an instructor, to an applicant's  
19 completion of a course, must maintain records certifying that  
20 he or she instructed the applicant in the necessary subjects.

21          Section 35. Qualification of instructors. A person wishing  
22 to become a qualified firearms instructors shall have at least  
23 one of the following valid firearms instructor certifications:  
24 (i) National Rifle Association certified Personal Protection  
25 Instructor, (ii) National Rifle Association certified Basic

1 Pistol Instructor, (iii) a Certification from a firearms  
2 instructor's course offered by a State or federal governmental  
3 agency, or (iv) a Certification from a similar firearms  
4 instructor qualifying course.

5 Section 40. Reciprocity. Any valid permit to carry a  
6 defensive firearm issued by a state or municipality shall be  
7 honored by the State of Illinois when possessed by a  
8 non-Illinois resident. Persons who have recently moved their  
9 primary residence to Illinois and hold a valid permit issued by  
10 a state or municipality may carry a defensive firearm under  
11 that permit for no more than one year following establishment  
12 of Illinois residence. Illinois residents holding a valid  
13 out-of-state permit to carry upon the effective date of this  
14 Act may carry a defensive firearm under that permit for no more  
15 than one year after the effective date of this Act. Any person  
16 carrying a defensive firearm in Illinois under authority of a  
17 permit issued by any state or municipality shall do so in  
18 accordance with the laws of the State of Illinois.

19 Section 45. Prohibited areas.

20 (a) An LTC shall authorize the licensee to carry defensive  
21 firearms on or about his or her person throughout the State of  
22 Illinois. Individuals licensed under the authority of this Act  
23 shall not be permitted to carry a firearm into those areas  
24 prohibited by federal law. Other facilities may be posted by

1 the owner or operator of that facility as "No Carry" zones by  
2 placing an approved sign at each entrance to the facility. Each  
3 owner or operator may obtain official signs from the Department  
4 for a fee of \$10 to \$20 per sign. Each approved sign shall be an  
5 11 inch by 14 inch sign with red letters on a white background.  
6 The letters shall be no less than 1.5 inches high. The sign  
7 shall read "No firearms permitted in this facility".

8 (b) A person carrying a firearm on or about his or her  
9 person or clothes under an LTC and who otherwise remains at a  
10 private establishment knowing that the operator of the  
11 establishment or its agent has made a reasonable request that  
12 firearms not be brought into the establishment may be ordered  
13 to leave the premises. A person who fails to leave when so  
14 requested is guilty of a petty offense. The fine for a first  
15 offense must not exceed \$25.

16 (c) The owner or operator of a private establishment may  
17 not prohibit the lawful carrying or possession of firearms in a  
18 parking facility or parking area if the firearm remains in the  
19 licensee's vehicle and remains locked in the vehicle while the  
20 licensee is away from the vehicle.

21 (d) This subdivision does not apply to private residences.  
22 The lawful possessor of a private residence may prohibit  
23 firearms, and provide notice of that prohibition, in any lawful  
24 manner.

25 (e) A landlord may not restrict the lawful carrying or  
26 possession of firearms by tenants or their guests.

1           Section 50. Carrying while impaired. It shall be unlawful  
2           for a licensee with a blood-alcohol content in excess of .08%  
3           to carry a firearm. Violation of this Section shall result in:  
4           a \$100 fine and suspension of the LTC for 60 days for a first  
5           offense; a \$500 fine and suspension of the LTC for 1 year for a  
6           second offense; and a \$1000 fine and revocation of the LTC for  
7           life for a third offense.

8           Section 55. Accessibility of records. Records regarding  
9           the application, issuance, criminal background, and other  
10          information pertaining to LTC holders shall be maintained by  
11          the Department. Moreover, the Department shall maintain a  
12          database of arrests and convictions of valid LTC holders,  
13          noting whether the conviction was for a misdemeanor or felony.  
14          These records shall be made available upon request to any  
15          federal, state, or local law enforcement agency conducting a  
16          criminal investigation. These records shall not otherwise be  
17          available to any other agency, news media, group, or individual  
18          under any circumstance.

19          Section 60. Emergency issuance of an LTC. Any person who  
20          has been issued an order of protection by a court shall be  
21          eligible to be issued a temporary LTC. Such persons shall apply  
22          to the Department, show proof of the order, show evidence of  
23          emergency training of at least 4 hours including live fire of

1 at least 50 rounds, pass a criminal background check, and sign  
2 an understanding of the use of deadly force-exoneration statute  
3 (720 ILCS 5/7-1 et seq.). Upon meeting these requirements, the  
4 applicant for an emergency LTC shall be issued within 30 days  
5 an emergency LTC that shall be valid for 120 days after its  
6 issuance, in order to allow the applicant time to apply for and  
7 receive a FOID and LTC. The temporary LTC shall serve as a  
8 temporary FOID for the applicant.

9 Section 65. Revocation clause.

10 (a) The Department has authority to deny an application for  
11 or to revoke and seize an LTC previously issued under this Act  
12 if the Department finds that the applicant or the person to  
13 whom such card was issued is or was at the time of issuance:  
14 (i) a person convicted of a felony under the laws of this State  
15 or any other jurisdiction; (ii) a person addicted to narcotics;  
16 (iii) a person who has been a patient of a mental institution  
17 within the past 5 years or has been adjudicated as a person  
18 under legal disability under the Probate Act of 1975; or (iv) a  
19 person whose FOID card is revoked.

20 (b) Applicants for whom an LTC is denied and every holder  
21 of an LTC before the LTC is revoked or seized shall receive a  
22 written notice from the Department stating specifically the  
23 grounds upon which the application has been denied or upon  
24 which the LTC has been revoked.

25 (c) Whenever an application for an LTC is denied or the

1 Department fails to act on an application within 60 days of its  
2 receipt as provided for in this Act, the aggrieved party may  
3 appeal to the circuit court for a hearing upon such denial,  
4 revocation, or seizure.

5 (d) At least 30 days before any hearing in the circuit  
6 court under this Act, the petitioner shall serve the relevant  
7 State's Attorney with a copy of the petition. The State's  
8 Attorney may object to the petition and present evidence. At  
9 the hearing, the court shall determine whether substantial  
10 justice has been done. If the court determines that substantial  
11 justice has not been done, the court shall issue an order  
12 directing the Department to take appropriate actions.

13 (e) Any person prohibited from possessing a firearm under  
14 Section 24-1.1 or 24-3.1 of the Criminal Code of 1961 or  
15 prohibited from acquiring an LTC under this Act may apply to  
16 the Director of the Department or petition the circuit court in  
17 the county where the petitioner resides, whichever is  
18 applicable, requesting relief from that prohibition, and the  
19 Director or court may grant such relief if it is established by  
20 the applicant to the court's or Director's satisfaction that:

21 (1) when in the circuit court, the State's Attorney has  
22 been served with a written copy of the petition at least 30  
23 days before any such hearing in the circuit court and at  
24 the hearing the State's Attorney was afforded an  
25 opportunity to present evidence and object to the petition;

26 (2) the applicant has not been convicted of a forcible

1 felony under the laws of this State or any other  
2 jurisdiction within the 20 years preceding the applicant's  
3 application for an LTC, and at least 20 years have passed  
4 since the end of any period of imprisonment imposed in  
5 relation to such a conviction;

6 (3) the circumstances regarding a criminal conviction,  
7 where applicable, the applicant's criminal history, and  
8 his or her reputation are such that the applicant will not  
9 be likely to act in a manner dangerous to public safety;  
10 and

11 (4) granting relief would not be contrary to the public  
12 interest.

13 (f) The court shall review the denial of an application for  
14 or the revocation of an LTC of a person who has been  
15 adjudicated delinquent for an offense that if committed by an  
16 adult would be a felony, if an application for relief has been  
17 filed at least 10 years after the adjudication of delinquency  
18 and the court determines that the applicant should be granted  
19 relief from disability to obtain an LTC. If the court grants  
20 relief, the court shall notify the Department that the  
21 disability has been removed and that the applicant is eligible  
22 to obtain an LTC.

23 (g) All final administrative decisions of the Department  
24 under this Act shall be subject to judicial review under the  
25 provisions of the Administrative Review Law and the rules  
26 adopted under it.

1           (h) The Director of the Department shall submit a report to  
2 the General Assembly on March 1 of each year, beginning March  
3 1, 2010, listing all final decisions by a court of this State  
4 upholding, reversing, or reversing in part any administrative  
5 decision made by the Department.

6           Section 70. Renewal notification. The Department shall, 90  
7 days prior to the expiration of an LTC, forward by first class  
8 mail to each person whose card is to expire a notification of  
9 the expiration of the card and an application that may be used  
10 to apply for renewal of the LTC. Each renewal application is to  
11 be returned at least 60 days prior to expiration.  
12 Requalification is required for renewal applications filed  
13 more than one year after the LTC expiration date.

14           Section 75. Change of address; change of name; lost or  
15 destroyed permits. Within 60 days after the changing of a  
16 permanent residence or 60 days after loss or destruction of an  
17 LTC, the license holder shall notify the Department of the  
18 loss, destruction, change of name, or change of residence.  
19 Failure to notify the Department shall result in an  
20 administrative charge of \$25 payable to the Department. If an  
21 LTC is lost or destroyed, the person to whom the permit was  
22 issued may obtain a duplicate upon paying a \$10 administrative  
23 charge to the Department, furnishing a notarized statement to  
24 the Department that the permit was lost or destroyed, and

1 submitting an application and photograph as set forth in this  
2 Act. A copy of the documents submitted to the Department shall  
3 serve as an LTC for the licensee until a corrected or  
4 replacement LTC is issued by the Department and the licensee  
5 shall be able to carry a firearm by virtue of those documents.  
6 If a person issued an LTC changes either his or her residence  
7 within this State or his or her name, the person to whom the  
8 permit was issued may upon payment of \$10 to the Department  
9 obtain a corrected LTC with a change of address or change of  
10 name upon furnishing a notarized statement to the Department  
11 that the licensee has changed his or her residence or name and  
12 submitting an application as set forth in this Act.

13 Section 80. Altered, forged, or counterfeit LTCs. Any  
14 person who forges or materially alters an LTC or who  
15 counterfeits an LTC commits a Class A misdemeanor. Any person  
16 who knowingly possesses a forged or materially altered LTC with  
17 the intent to use it commits a Class A misdemeanor. A person  
18 who possesses an LTC with knowledge that it is counterfeit  
19 commits a Class A misdemeanor.

20 Section 85. Penalties.

21 (a) When a person's LTC has expired but the person is not  
22 otherwise disqualified from renewing the card, it is a Class C  
23 misdemeanor for that person to carry a firearm in a manner  
24 other than as provided for under the FOID Act.

1           (b) There shall be a 60-day grace period for renewing an  
2 expired LTC. After 60 days, the penalty of carrying except as  
3 specified in the FOID Act shall increase to a Class A  
4 misdemeanor. However, if the card holder re-qualifies and  
5 applies for a new LTC within 30 days of the violation, such  
6 charges must be dismissed.

7           (c) A violation of the Citizen's Self-Defense Act is a  
8 Class C misdemeanor if the person does not possess a currently  
9 valid LTC but is otherwise eligible to obtain one under this  
10 Act.

11           (d) Any person who knowingly enters false information on an  
12 application for an LTC, knowingly gives a false answer to any  
13 question on the application, or knowingly submits false  
14 evidence in connection with an application is guilty of a Class  
15 A misdemeanor.

16           Section 90. Severability. If any provision of this Act or  
17 the application of it to any person or circumstance is held  
18 invalid, such invalidity does not affect other provisions or  
19 applications of this Act that can be given effect without the  
20 invalid application or provision. To this end, the provisions  
21 of this Act are declared to be severable.

22           Section 95. Municipal ordinance submission. Within 30 days  
23 after the effective date of this Act of the 96th General  
24 Assembly, every municipality that enacts an ordinance

1 prohibiting LTC holders from carrying a defensive firearm  
2 within its boundaries must submit to the Department of State  
3 Police a copy of the ordinance adopted by the municipality that  
4 prohibits the carrying of firearms by LTC card holders. The  
5 Department of State Police shall compile a list of these  
6 municipalities and publish them in a form available to the  
7 public free of charge and shall periodically update this  
8 compilation in a manner prescribed by the Director of State  
9 Police.

10 Section 100. The State Finance Act is amended by adding  
11 Section 5.719 as follows:

12 (30 ILCS 105/5.719 new)

13 Sec. 5.719. The Citizen Safety and Self-Defense Trust Fund.

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

16 (430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)

17 Sec. 13.1. The provisions of any ordinance enacted by any  
18 municipality which requires registration or imposes greater  
19 restrictions or limitations on the acquisition, possession and  
20 transfer of firearms than are imposed by this Act, are not  
21 invalidated or affected by this Act, except that an ordinance  
22 of a unit of local government, including a home rule unit, is

1 invalid if it is inconsistent with the Citizen's Self-Defense  
2 Act. It is declared to be the policy of this State that the  
3 regulation of the right to carry defensive firearms is an  
4 exclusive power and function of the State. A home rule unit may  
5 not regulate the issuance of permits to carry defensive  
6 firearms. This Section is a denial and limitation of home rule  
7 powers and functions under subsection (h) of Section 6 of  
8 Article VII of the Illinois Constitution.

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

10 Section 910. The Criminal Code of 1961 is amended by  
11 changing Sections 24-2 and 24-6 as follows:

12 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

13 Sec. 24-2. Exemptions.

14 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and  
15 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of  
16 the following:

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

20 (2) Wardens, superintendents and keepers of prisons,  
21 penitentiaries, jails and other institutions for the  
22 detention of persons accused or convicted of an offense,  
23 while in the performance of their official duty, or while  
24 commuting between their homes and places of employment.

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

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

12          (5) Persons licensed as private security contractors,  
13          private detectives, or private alarm contractors, or  
14          employed by an agency certified by the Department of  
15          Professional Regulation, if their duties include the  
16          carrying of a weapon under the provisions of the Private  
17          Detective, Private Alarm, Private Security, Fingerprint  
18          Vendor, and Locksmith Act of 2004, while actually engaged  
19          in the performance of the duties of their employment or  
20          commuting between their homes and places of employment,  
21          provided that such commuting is accomplished within one  
22          hour from departure from home or place of employment, as  
23          the case may be. Persons exempted under this subdivision  
24          (a)(5) shall be required to have completed a course of  
25          study in firearms handling and training approved and  
26          supervised by the Department of Professional Regulation as

1 prescribed by Section 28 of the Private Detective, Private  
2 Alarm, Private Security, Fingerprint Vendor, and Locksmith  
3 Act of 2004, prior to becoming eligible for this exemption.  
4 The Department of Professional Regulation shall provide  
5 suitable documentation demonstrating the successful  
6 completion of the prescribed firearms training. Such  
7 documentation shall be carried at all times when such  
8 persons are in possession of a concealable weapon.

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

1 Department of Professional Regulation. Conditions for the  
2 renewal of firearm control cards issued under the  
3 provisions of this Section shall be the same as for those  
4 cards issued under the provisions of the Private Detective,  
5 Private Alarm, Private Security, Fingerprint Vendor, and  
6 Locksmith Act of 2004. Such firearm control card shall be  
7 carried by the security guard at all times when he or she  
8 is in possession of a concealable weapon.

9 (7) Agents and investigators of the Illinois  
10 Legislative Investigating Commission authorized by the  
11 Commission to carry the weapons specified in subsections  
12 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
13 any investigation for the Commission.

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

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

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

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

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

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

1           (12.5) Probation officers while in the performance of  
2 their duties, or while commuting between their homes,  
3 places of employment or specific locations that are part of  
4 their assigned duties, with the consent of the chief judge  
5 of the circuit for which they are employed.

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

10          (13.5) A person employed as an armed security guard at  
11 a nuclear energy, storage, weapons or development site or  
12 facility regulated by the Nuclear Regulatory Commission  
13 who has completed the background screening and training  
14 mandated by the rules and regulations of the Nuclear  
15 Regulatory Commission.

16          (14) Manufacture, transportation, or sale of weapons  
17 to persons authorized under subdivisions (1) through  
18 (13.5) of this subsection to possess those weapons.

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

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

26           (2) Duly authorized military or civil organizations

1 while parading, with the special permission of the  
2 Governor.

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

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

7 (5) Carrying a concealed firearm by a permittee who has  
8 been issued a permit to carry a defensive firearm under the  
9 Citizen's Self-Defense Act.

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

12 (1) Peace officers while in performance of their  
13 official duties.

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

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

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

25 (5) Persons licensed under federal law to manufacture  
26 any weapon from which 8 or more shots or bullets can be

1 discharged by a single function of the firing device, or  
2 ammunition for such weapons, and actually engaged in the  
3 business of manufacturing such weapons or ammunition, but  
4 only with respect to activities which are within the lawful  
5 scope of such business, such as the manufacture,  
6 transportation, or testing of such weapons or ammunition.  
7 This exemption does not authorize the general private  
8 possession of any weapon from which 8 or more shots or  
9 bullets can be discharged by a single function of the  
10 firing device, but only such possession and activities as  
11 are within the lawful scope of a licensed manufacturing  
12 business 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 experimental  
18 activities necessary thereto, of rifles, shotguns, and  
19 weapons made from rifles or shotguns, or ammunition for  
20 such rifles, shotguns or weapons, where engaged in by a  
21 person operating as a contractor or subcontractor pursuant  
22 to a contract or subcontract for the development and supply  
23 of such rifles, shotguns, weapons or ammunition to the  
24 United States government or any branch of the Armed Forces  
25 of the United States, when such activities are necessary  
26 and incident to fulfilling the terms of such contract.

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

7           During transportation, any such weapon shall be broken  
8           down in a non-functioning state, or not immediately  
9           accessible.

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

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

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

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

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

26                 (2) Bonafide collectors of antique or surplus military

1 ordinance.

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

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

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

1 as are within the lawful scope of a licensed manufacturing  
2 business described in this subsection (g-5). During  
3 transportation, those devices shall be detached from any weapon  
4 or not immediately accessible.

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

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

23 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;  
24 95-885, eff. 1-1-09.)

25 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

1           Sec. 24-6. Confiscation and disposition of weapons.

2           (a) Upon conviction of an offense in which a weapon was  
3 used or possessed by the offender, any weapon seized shall be  
4 confiscated by the trial court.

5           (b) Any stolen weapon so confiscated, when no longer needed  
6 for evidentiary purposes, shall be returned to the person  
7 entitled to possession, if known. After the disposition of a  
8 criminal case or in any criminal case where a final judgment in  
9 the case was not entered due to the death of the defendant, and  
10 when a confiscated weapon is no longer needed for evidentiary  
11 purposes, and when in due course no legitimate claim has been  
12 made for the weapon, the court may transfer the weapon to the  
13 sheriff of the county who may proceed to destroy it, or may in  
14 its discretion order the weapon preserved as property of the  
15 governmental body whose police agency seized the weapon, or may  
16 in its discretion order the weapon to be transferred to the  
17 Department of State Police for use by the crime laboratory  
18 system, for training purposes, or for any other application as  
19 deemed appropriate by the Department. If, after the disposition  
20 of a criminal case, a need still exists for the use of the  
21 confiscated weapon for evidentiary purposes, the court may  
22 transfer the weapon to the custody of the State Department of  
23 Corrections for preservation. The court may not order the  
24 transfer of the weapon to any private individual or private  
25 organization other than to return a stolen weapon to its  
26 rightful owner.

1           The provisions of this Section shall not apply to  
2 violations of the Fish and Aquatic Life Code or the Wildlife  
3 Code. Confiscation of weapons for Fish and Aquatic Life Code  
4 and Wildlife Code violations shall be only as provided in those  
5 Codes. A firearm is not subject to confiscation under this  
6 Section solely because it is carried in violation of the  
7 Citizen's Self-Defense Act.

8           (c) Any mental hospital that admits a person as an  
9 inpatient pursuant to any of the provisions of the Mental  
10 Health and Developmental Disabilities Code shall confiscate  
11 any firearms in the possession of that person at the time of  
12 admission, or at any time the firearms are discovered in the  
13 person's possession during the course of hospitalization. The  
14 hospital shall, as soon as possible following confiscation,  
15 transfer custody of the firearms to the appropriate law  
16 enforcement agency. The hospital shall give written notice to  
17 the person from whom the firearm was confiscated of the  
18 identity and address of the law enforcement agency to which it  
19 has given the firearm.

20           The law enforcement agency shall maintain possession of any  
21 firearm it obtains pursuant to this subsection for a minimum of  
22 90 days. Thereafter, the firearm may be disposed of pursuant to  
23 the provisions of subsection (b) of this Section.

24           (Source: P.A. 91-696, eff. 4-13-00.)

25           Section 999. Effective date. This Act takes effect January  
26 1, 2010.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 30 ILCS 105/5.719 new

5 430 ILCS 65/13.1 from Ch. 38, par. 83-13.1

6 720 ILCS 5/24-2 from Ch. 38, par. 24-2

7 720 ILCS 5/24-6 from Ch. 38, par. 24-6