



Rep. Brandon W. Phelps

Filed: 4/13/2011

09700HB0915ham001

LRB097 03734 RLC 54505 a

1 AMENDMENT TO HOUSE BILL 915

2 AMENDMENT NO. _____. Amend House Bill 915 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 24-2 as follows:

6 (720 ILCS 5/24-2)

7 Sec. 24-2. Exemptions.

8 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
9 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
10 the following:

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

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,

1 while in the performance of their official duty, or while
2 commuting between their homes and places of employment.

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

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

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

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

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

1 security officer and 20 hours of required firearm training,
2 and has been issued a firearm control card by the
3 Department of Professional Regulation. Conditions for the
4 renewal of firearm control cards issued under the
5 provisions of this Section shall be the same as for those
6 cards issued under the provisions of the Private Detective,
7 Private Alarm, Private Security, Fingerprint Vendor, and
8 Locksmith Act of 2004. Such firearm control card shall be
9 carried by the security guard at all times when he or she
10 is in possession of a concealable weapon.

11 (7) Agents and investigators of the Illinois
12 Legislative Investigating Commission authorized by the
13 Commission to carry the weapons specified in subsections
14 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
15 any investigation for the Commission.

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

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

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

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

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

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

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

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

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

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

21 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
22 24-1.6 do not apply to or affect any of the following:

23 (1) Members of any club or organization organized for
24 the purpose of practicing shooting at targets upon
25 established target ranges, whether public or private, and
26 patrons of such ranges, while such members or patrons are

1 using their firearms on those target ranges.

2 (2) Duly authorized military or civil organizations
3 while parading, with the special permission of the
4 Governor.

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

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

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

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

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

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

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

23 (4) Manufacture, transportation, or sale of machine
24 guns to persons authorized under subdivisions (1) through
25 (3) of this subsection to possess machine guns, if the
26 machine guns are broken down in a non-functioning state or

1 are not immediately accessible.

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

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

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

1 United States government or any branch of the Armed Forces
2 of the United States, when such activities are necessary
3 and incident to fulfilling the terms of such contract.

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

10 During transportation, any such weapon shall be broken
11 down in a non-functioning state, or not immediately
12 accessible.

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

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

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

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

26 (1) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in
2 the performance of their official duty.

3 (2) Bonafide collectors of antique or surplus military
4 ordinance.

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

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

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

1 general private possession of any device or attachment of any
2 kind designed, used, or intended for use in silencing the
3 report of any firearm, but only such possession and activities
4 as are within the lawful scope of a licensed manufacturing
5 business described in this subsection (g-5). During
6 transportation, those devices shall be detached from any weapon
7 or not immediately accessible.

8 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
9 24-1.6 do not apply to or affect any parole agent or parole
10 supervisor who meets the qualifications and conditions
11 prescribed in Section 3-14-1.5 of the Unified Code of
12 Corrections.

13 (g-7) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
14 24-1.6 do not apply to or affect any currently employed or
15 retired State correctional officer who meets the
16 qualifications and conditions prescribed in Section 3-2-12 of
17 the Unified Code of Corrections.

18 (g-8) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
19 24-1.6 do not apply to or affect any currently employed or
20 retired county correctional officer who meets the
21 qualifications and conditions prescribed in Section 27 of the
22 County Jail Act.

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

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

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

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

26 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;

1 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
2 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

3 Section 10. The Unified Code of Corrections is amended by
4 adding Section 3-2-12 as follows:

5 (730 ILCS 5/3-2-12 new)

6 Sec. 3-2-12. State correctional officers; off-duty
7 firearms.

8 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
9 24-1.6 of the Criminal Code of 1961 do not apply to currently
10 employed or retired State correctional officers who meet the
11 following conditions:

12 (1) The currently employed or retired State
13 correctional officer must receive training in the use of
14 firearms while off duty conducted by the Illinois Law
15 Enforcement Training Standards Board and be certified as
16 having successfully completing such training by the Board.
17 The Board shall determine the amount of such training and
18 the course content for such training. The currently
19 employed or retired State correctional officer shall
20 requalify for the firearms training annually at a State
21 range certified by the Illinois Law Enforcement Training
22 Standards Board. The expenses of such retraining shall be
23 paid by the currently employed or retired State
24 correctional officer and moneys for the costs of such

1 requalification shall be expended at the request of the
2 Illinois Law Enforcement Training Standards Board.

3 (2) The currently employed or retired State
4 correctional officer shall purchase such firearm at his or
5 her own expense and shall register the firearm with the
6 Illinois Department of State Police and with any other
7 local law enforcement agencies that require such
8 registration.

9 (3) The currently employed or retired State
10 correctional officer may not carry any Illinois Department
11 of Corrections or Department of Juvenile Justice
12 State-issued firearm while off duty. A person who violates
13 this paragraph (3) is subject to disciplinary action by the
14 Illinois Department of Corrections or the Department of
15 Juvenile Justice.

16 (4) State correctional officers who are or were
17 discharged from employment by the Illinois Department of
18 Corrections or the Department of Juvenile Justice shall no
19 longer be considered law enforcement officials and all
20 their rights as law enforcement officials shall be revoked
21 permanently.

22 (b) For the purposes of this Section, "State correctional
23 officer" means an employee of the Department of Corrections or
24 the Department of Juvenile Justice who has custody and control
25 over inmates in an adult or juvenile correctional facility.

1 Section 15. The County Jail Act is amended by adding
2 Section 27 as follows:

3 (730 ILCS 125/27 new)

4 Sec. 27. County correctional officers; off-duty firearms.

5 (a) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
6 24-1.6 of the Criminal Code of 1961 do not apply to currently
7 employed or retired county correctional officers who meet the
8 following conditions:

9 (1) The currently employed or retired county
10 correctional officer must receive training in the use of
11 firearms while off duty conducted by the Illinois Law
12 Enforcement Training Standards Board and be certified as
13 having successfully completing such training by the Board.
14 The Board shall determine the amount of such training and
15 the course content for such training. The currently
16 employed or retired county correctional officer shall
17 requalify for the firearms training annually at a State
18 range certified by the Illinois Law Enforcement Training
19 Standards Board. The expenses of such retraining shall be
20 paid by the currently employed or retired county
21 correctional officer and moneys for the costs of such
22 requalification shall be expended at the request of the
23 Illinois Law Enforcement Training Standards Board.

24 (2) The currently employed or retired county
25 correctional officer shall purchase such firearm at his or

1 her own expense and shall register the firearm with the
2 Illinois Department of State Police and with any other
3 local law enforcement agencies that require such
4 registration.

5 (3) The currently employed or retired county
6 correctional officer may not carry any county
7 sheriff-issued firearm while off duty. A person who
8 violates this paragraph (3) is subject to disciplinary
9 action by the county sheriff.

10 (4) County correctional officers who are or were
11 discharged from employment by the county sheriff shall no
12 longer be considered law enforcement officials and all
13 their rights as law enforcement officials shall be revoked
14 permanently.

15 (b) For the purposes of this Section, "county correctional
16 officer" means an employee of the county who has custody and
17 control over inmates in a county jail or juvenile detention
18 center."