



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3794

Introduced 10/5/2011, by Rep. Bill Mitchell - Adam Brown -
Chapin Rose

SYNOPSIS AS INTRODUCED:

See Index

Creates the Family and Personal Protection Act. Provides that in a county which by a majority vote of the county board authorizes the sheriff to issue concealed carry licenses, the sheriff shall issue a license to carry a loaded or unloaded handgun to an applicant who meets specified qualifications, has provided the application and specified documentation, and has submitted the requisite fees. Provides that a license to carry a handgun entitles a licensee to carry a loaded handgun, either concealed or openly, on or about his or her person or in a vehicle in the county of issuance and in any county that authorizes the sheriff to issue concealed carry licenses, except in certain prohibited locations. Provides that the license shall be valid in the authorized counties for a period of 5 years from the date of issuance. Provides for renewal of licenses. Establishes qualifications for licensees, certified firearms instructors, and instructor trainers. Provides for home rule preemption. Provides that the provisions of the Act are severable. Amends the Freedom of Information Act and the Criminal Code of 1961 to make conforming changes. Effective immediately.

LRB097 12243 RLC 56705 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 Family
5 and Personal Protection Act.

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

7 "Concealed firearm" means a loaded or unloaded handgun
8 carried on or about a person completely or mostly concealed
9 from view of the public, or carried in a vehicle in such a way
10 as it is concealed from view of the public.

11 "Sheriff" means the sheriff of the county in which an
12 applicant for a concealed carry license resides.

13 "Department" means the Department of State Police.

14 "Fund" means the Citizen Safety and Self-Defense Trust
15 Fund.

16 "Handgun" means any device which is designed to expel a
17 projectile or projectiles by the action of an explosion,
18 expansion of gas, or escape of gas that is designed to be held
19 and fired by the use of a single hand, and includes a
20 combination of parts from which such a firearm can be
21 assembled. "Handgun" does not include a stun gun or taser.

22 "License" means a license issued by the sheriff to carry a
23 loaded or unloaded concealed firearm.

1 "Licensee" means a person issued a license to carry a
2 concealed firearm.

3 "Peace officer" means (i) any person who by virtue of his
4 or her office or public employment is vested by law with a duty
5 to maintain public order or to make arrests for offenses,
6 whether that duty extends to all offenses or is limited to
7 specific offenses, or (ii) any person who, by statute, is
8 granted and authorized to exercise powers similar to those
9 conferred upon any peace officer employed by a law enforcement
10 agency of this State.

11 Section 15. Citizen Safety and Self-Defense Trust Fund. The
12 county board of each county that by a majority vote of the
13 county board authorizes the sheriff to issue concealed carry
14 licenses shall create a Citizen Safety and Self-Defense Trust
15 Fund as a special fund in the county treasury. Fees from
16 applications for licenses shall be deposited into the Citizen
17 Safety and Self-Defense Trust Fund. Moneys in the Fund may be
18 invested and any income from investments shall be deposited
19 into the Fund. Subject to appropriation, moneys in the Fund
20 shall exclusively be used to assist the sheriff with the
21 administrative costs associated with this Act.

22 Section 20. Issuance of licenses to carry a concealed
23 firearm.

24 (a) The sheriff shall issue a license to an applicant who

1 (i) meets the qualifications of Section 25; (ii) has provided
2 the application and documentation required in Section 30; and
3 (iii) has submitted the requisite fees. The sheriff shall issue
4 a renewal, corrected, or duplicate license in accordance with
5 this Act.

6 (a-5) A licensee shall possess a license at all times the
7 licensee carries a concealed firearm except (i) if the person
8 is carrying or possessing a concealed firearm and the person is
9 on his or her land or in his or her abode or legal dwelling or
10 in the abode or legal dwelling of another person as an invitee
11 with that person's permission; (ii) if the person is authorized
12 to carry a firearm under Section 24-2 of the Criminal Code of
13 1961; or (iii) if the handgun is broken down in a
14 non-functioning state, is not immediately accessible, or is
15 enclosed in a case, firearm carrying box, shipping box, or
16 other container.

17 (a-10) A licensee shall display the license upon the
18 request of a peace officer or person designated to enforce the
19 provisions of Section 70.

20 (b) If the county board authorizes the sheriff to issue
21 concealed carry licenses, the sheriff shall make applications
22 for a license available no later than 180 days after such
23 authorization. Applications shall be available at county
24 sheriff offices, on the county sheriff's official website, and
25 any other location designated by the sheriff.

26 (c) A completed application for a license shall be

1 submitted to the office of the sheriff of the county in which
2 the applicant resides with all accompanying materials and fees.
3 The sheriff shall review the application within 30 days of
4 receipt. The sheriff shall promptly return an incomplete
5 application to the applicant. Each applicant for a license
6 shall submit a \$100 application fee which shall be transmitted
7 to the county treasurer and deposited into the Citizen Safety
8 and Self Defense Trust Fund.

9 (d) Upon request of a municipal law enforcement agency, the
10 sheriff shall notify the municipal law enforcement agency of
11 the name, address, and date of birth of any person submitting
12 an application for a license. The municipal law enforcement
13 agency may submit to the sheriff information deemed to be
14 relevant to the application, and the sheriff may consider such
15 information when determining whether to issue a concealed carry
16 license. Any objection submitted to a sheriff, including
17 reports submitted to a sheriff by a municipal law enforcement
18 agency, must be disclosed to the applicant unless disclosure
19 would interfere with a criminal investigation, or as determined
20 by the sheriff, disclosure may threaten the safety or welfare
21 of the sheriff or local law enforcement agency.

22 (e) Notwithstanding subsection (a), the sheriff may
23 consider any objection or recommendation made to the sheriff
24 and may determine the applicant is ineligible based solely on
25 those objections. If the applicant is found by the sheriff to
26 be ineligible, the sheriff shall deny the application and

1 notify the applicant in writing, stating the grounds for
2 denial. The notice of denial must inform the applicant that he
3 or she may, within 30 days, appeal the denial and submit
4 additional materials relevant to the grounds for denial. Upon
5 receiving any additional documentation, the sheriff shall
6 reconsider his or her decision and inform the applicant within
7 30 days of the result of the reconsideration. If upon
8 reconsideration the sheriff denies the application, the
9 applicant must be informed of the right to administrative
10 review.

11 (f) The license shall be issued by the sheriff within 45
12 days of receipt of a completed application by the sheriff. A
13 license shall be valid in the county of issuance and in any
14 county that by a majority vote of the county board authorizes
15 the sheriff to issue concealed carry licenses. The license
16 shall be valid for a period of 5 years.

17 (g) A sheriff authorized to issue concealed carry licenses,
18 with the approval of the Director of State Police, shall
19 promulgate rules to implement the provisions of this Section.

20 Section 25. Qualifications of an applicant for a license.
21 The sheriff shall issue a license to an applicant completing an
22 application in accordance with Section 30 of this Act if the
23 person:

24 (a) is at least 21 years of age;

25 (b) has a valid Firearm Owner's Identification Card, or

1 if applying for a non-resident license, has a notarized
2 document stating the applicant is eligible under federal
3 law and the laws of his or her home state to own a handgun;

4 (c) resides within the State of Illinois or resides in
5 another state and requests a license under Section 65;

6 (d) has not been convicted in Illinois or any other
7 state of (i) a felony, (ii) a misdemeanor involving the use
8 or threat of physical force or violence to any person
9 within the 10 years preceding the date of the application,
10 or (iii) a misdemeanor involving the use, possession, or
11 distribution of a controlled substance or cannabis within
12 the 10 years preceding the date of the application;

13 (e) has not been a patient in a mental institution
14 within the past 5 years, has not been adjudicated as having
15 a mental defect, or is not mentally retarded;

16 (f) is not free on any form of bond or pretrial
17 release, other than for a traffic offense or other
18 disqualifying act, and has no outstanding warrants in
19 Illinois or any other state;

20 (g) does not chronically and habitually abuse
21 alcoholic beverages as evidenced by the applicant having 2
22 or more convictions for violating Section 11-501 of the
23 Illinois Vehicle Code or a similar provision of a local
24 ordinance within 5 years preceding the date of the
25 application, or if the applicant has elected treatment
26 under the supervision of a licensed program in accordance

1 with the Alcoholism and Other Drug Abuse and Dependency Act
2 or similar laws of any other state within 5 years preceding
3 the date of the application; and

4 (h) has completed firearms training and any
5 educational component required in Section 85 of this Act.

6 Section 30. Contents of application.

7 (a) The application shall be in writing, under oath and
8 penalty of perjury, on a standard form promulgated by the
9 Department and shall be accompanied by the documentation
10 required in this Section and all applicable fees.

11 (b) The application shall contain the following
12 information:

13 (i) the applicant's name, current address, gender,
14 date and year of birth, place of birth, height, weight,
15 hair color, eye color, maiden name or any other name the
16 applicant has used or identified with, and any address at
17 which the applicant resided for more than 30 days within
18 the 5 years preceding the date of the application;

19 (ii) the applicant's driver's license or state
20 identification card number and the last 4 digits of the
21 applicant's social security number;

22 (iii) questions to certify or demonstrate the
23 applicant has completed firearms training and any
24 educational component required in Section 85 of this Act;

25 (iv) a statement that the applicant is a resident of

1 the State of Illinois, except persons applying under
2 Section 65 shall be instructed to submit the information
3 required in that Section;

4 (v) a waiver of privacy and confidentiality rights and
5 privileges enjoyed by the applicant under all federal and
6 State laws, including those governing access to juvenile
7 court, criminal justice, psychological or psychiatric
8 records, or records relating to the applicant's history of
9 institutionalization, and an affirmative request that any
10 person having custody of any such record provide it or
11 information concerning it to the sheriff;

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

15 (vii) an affirmation that the applicant either
16 possesses a currently valid Illinois Firearm Owner's
17 Identification Card, in which case the application shall
18 include the card number, or is applying for the card in
19 conjunction with the application for a license, except
20 persons applying under Section 65 shall be instructed to
21 submit a copy of a valid license to carry a handgun issued
22 by their home state, if applicable, or submit a notarized
23 document stating the applicant is eligible under the laws
24 of his or her home state to possess a handgun; and

25 (viii) an affirmation that the applicant has never been
26 convicted in Illinois or any other state of (i) a felony,

1 (ii) a misdemeanor involving the use or threat of physical
2 force or violence to any person within the 10 years
3 preceding the date of the application, or (iii) a
4 misdemeanor involving the use, possession, or distribution
5 of a controlled substance or cannabis within the 10 years
6 preceding the date of the application.

7 (c) A person applying for a license shall provide a head
8 and shoulder color photograph in a size specified by the
9 Department that was taken within the 30 days preceding the date
10 of the application. The applicant shall consent to the county
11 sheriff reviewing and using the applicant's digital driver's
12 license or Illinois Identification photograph and signature,
13 if available. The Secretary of State shall allow the county
14 sheriff access to the photograph and signature for the purpose
15 of identifying the applicant and issuing to the applicant a
16 license.

17 (d) A person applying for a license shall submit with an
18 application a full set of legible fingerprints. Fingerprinting
19 may be administered by the sheriff or any other federal, State,
20 county, or municipal law enforcement agency. The cost of
21 fingerprinting shall be paid by the applicant, provided that
22 the sheriff or law enforcement agency may charge no more than
23 \$25 for a single set of fingerprints. The sheriff shall accept
24 a hard copy or electronic version of fingerprints.

25 (e) A person applying for a license shall submit a
26 photocopy of a certificate or other evidence of completion of a

1 course to show compliance with Section 85 of this Act.

2 (f) The Department is authorized to establish a system for
3 electronically submitting applications, including applications
4 for renewal or a replacement license.

5 Section 35. Database of applicants and licensees.

6 (a) The sheriff shall submit to the Department, within 30
7 days after application, the information contained in the
8 application of a person seeking to obtain a concealed carry
9 license. The Department shall maintain a database of applicants
10 for a license and licenses. The database shall be available to
11 all Illinois law enforcement agencies, State's Attorneys, and
12 the Attorney General. Members and staff of the judiciary may
13 access the database for the purpose of determining whether to
14 confiscate a license or to ensure compliance with this Act or
15 any other law. The database shall be searchable and provide all
16 information included in the application, a photo of the
17 applicant or licensee, and any information related to
18 violations of this Act. Individual law enforcement agencies
19 shall not maintain a separate, searchable database of
20 applicants and licensees containing information included in
21 the database.

22 (b) The Department shall make available on its website and
23 upon request under the Freedom of Information Act statistical
24 information about the number of licenses issues by county, age,
25 race, or gender. Such report shall be updated monthly. Except

1 as provided in this subsection, applications and information in
2 the database shall be confidential and exempt from disclosure
3 under the Freedom of Information Act. The Department may answer
4 requests to confirm or deny whether a person has been issued a
5 license as part of inquiries dealing with a criminal
6 investigation. Individual law enforcement agencies, State's
7 Attorneys, and judicial staff shall sign a confidentiality
8 agreement, prepared by the Department, prior to receiving
9 access to the database. No law enforcement agency, State's
10 Attorney, or member or staff of the judiciary, other than the
11 sheriff, shall provide any information to a requester not
12 entitled to it by law, except as required or necessary for the
13 conduct of a criminal investigation.

14 Section 40. Suspension or revocation of a license.

15 (a) A license issued or renewed under this Act shall be
16 revoked if, at any time, the licensee is found ineligible for a
17 license based on the criteria set forth in Section 25 of this
18 Act or the licensee no longer possesses a Firearm Owner's
19 Identification Card or a non-resident licensee if his or her
20 home state has revoked a license to carry a firearm. This
21 subsection shall not apply to a person who has filed an
22 application with the State Police for renewal of a Firearm
23 Owner's Identification Card and who is not otherwise ineligible
24 to obtain a Firearm Owner's Identification Card.

25 (b) A license shall be suspended if an order of protection

1 under Section 112A-14 of the Code of Criminal Procedure of 1963
2 or under Section 214 of the Illinois Domestic Violence Act of
3 1986 is issued against a licensee. The license shall be
4 suspended for the duration of the order or until the order is
5 terminated by a court and the sheriff shall not reissue or
6 renew a license for the duration of the order or until the
7 order is terminated. If an order of protection is issued
8 against a licensee, the licensee shall surrender the license,
9 as applicable, to the court at the time the order is entered or
10 to the law enforcement agency or entity designated to serve
11 process at the time the licensee is served the order. The
12 court, law enforcement agency, or entity responsible for
13 serving the order shall transmit the license to the sheriff.

14 (c) The sheriff may temporarily or permanently suspend a
15 license for a violation of Section 70 of this Act in accordance
16 with subsection (i) of Section 70.

17 (d) A license shall be invalid upon expiration of the
18 license, unless the licensee has submitted an application to
19 renew the license. A person who fails to renew his or her
20 application within 6 months after its expiration must reapply
21 for a new license and pay the fee for a new application.

22 (e) The sheriff may suspend a license if a licensee fails
23 to submit a change of address or name or fails to report a lost
24 or destroyed license to the within 30 days.

25 (f) The sheriff shall submit the names and addresses of
26 persons whose concealed carry licenses have been suspended or

1 revoked to the Department.

2 Section 45. Renewal of license.

3 (a) Not later than 120 days before the expiration of any
4 license issued under this Act, the sheriff shall notify the
5 licensee in writing of the expiration and furnish an
6 application for renewal of the license or make such an
7 application available on-line.

8 (b) Applications for renewal of a license shall be made
9 directly to the sheriff. A license shall be renewed for a
10 period of 5 years upon receipt of a completed renewal
11 application and a \$50 renewal fee. The renewal application
12 shall contain the information required in Section 30, except
13 that the applicant need not resubmit a full set of
14 fingerprints. Each applicant for a renewal shall submit, on a
15 form prescribed by the Department, proof that the applicant (i)
16 has participated in at least one shooting competition with a
17 handgun within 6 months of the application for renewal, (ii)
18 has completed an equivalent range exercise as prescribed in
19 Section 85 and attested to by any instructor qualified under
20 this Act, a certified law enforcement instructor, or NRA
21 certified instructor, or (iii) has completed Firearms
22 Instructor Training under Section 90. The office of the county
23 sheriff shall make the range recertification form available on
24 its website or as part of a renewal application.

1 Section 50. Change of address, change of name, or lost or
2 destroyed licenses.

3 (a) The licensee shall notify the sheriff within 30 days of
4 moving or changing a residence or any change of name, and upon
5 the discovery of the loss or destruction of a license.

6 (b) If a licensee changes residence within this State or
7 changes his or her name, the licensee shall request a new
8 license. The licensee shall submit a \$25 fee, a notarized
9 statement that the licensee has changed residence or his or her
10 name, and a photograph as required in Section 30 of this Act.
11 The statement must include the prior and current address or
12 name and the date the applicant moved or changed his or her
13 name.

14 (c) A lost or destroyed license shall be invalid. To
15 request a new license, the licensee shall submit (i) a \$25 fee,
16 (ii) a notarized statement that the licensee no longer
17 possesses the license and that it was lost or destroyed, (iii)
18 a copy of a police report stating that the license was lost,
19 destroyed, or stolen, and (iv) a photograph as required in
20 Section 30 of this Act.

21 Section 65. Non-resident applications. A person from
22 another state or territory of the United States may apply for a
23 non-resident license. The applicant shall apply to the county
24 sheriff of any county that authorized the sheriff to issue
25 concealed carry licenses and must meet the qualifications

1 established in Section 25. The applicant shall submit (i) the
2 application and documentation required in Section 30; (ii) a
3 notarized document stating the applicant (A) is eligible under
4 federal law and the laws of his or her home state to own a
5 firearm, (B) if applicable, has a license or permit to carry a
6 firearm or concealed firearm issued by his or her home state
7 and that a copy is attached to the application, (C) understands
8 Illinois laws pertaining to the possession and transport of
9 firearms, and (D) acknowledges that the applicant is subject to
10 the jurisdiction of the and Illinois courts for any violation
11 of this Act; and (iii) a \$100 application fee. In lieu of an
12 Illinois State driver's license or identification card, he or
13 she shall provide similar documentation from his or her state
14 or territory.

15 Section 70. Restrictions.

16 (a) No license issued under this Act shall authorize any
17 person to knowingly carry a concealed firearm into:

18 (i) Any building under the control of the Governor,
19 Lieutenant Governor, Attorney General, Secretary of State,
20 Comptroller, or Treasurer.

21 (ii) Any building under control of the General Assembly
22 or any of its support service agencies, including the
23 portion of a building in which a committee of the General
24 Assembly convenes for the purpose of conducting meetings of
25 committees, joint committees, or legislative commissions.

1 (iii) Any courthouse or building occupied in whole or
2 in part by the Circuit, Appellate, or Supreme Court or a
3 room designated as a courtroom for court proceedings by any
4 of these courts.

5 (iv) Any meeting of the governing body of a unit of
6 local government or special district.

7 (v) Any establishment licensed to dispense alcoholic
8 beverages for consumption on the premises if less than 50%
9 of its annual gross income comes from the sale of food.

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

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

14 (viii) Any elementary or secondary school without the
15 consent of school authorities. School authorities shall
16 inform the appropriate law enforcement agency and any law
17 enforcement personnel on site of such consent.

18 (ix) Any portion of a building used as a child care
19 facility without the consent of the manager. Nothing in
20 this Section shall prevent the operator of a child care
21 facility in a family home from owning or possessing a
22 firearm or license.

23 (x) Any gaming facility licensed under the Riverboat
24 Gambling Act or the Illinois Horse Racing Act of 1975.

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

26 (xii) Any stadium, arena, or collegiate or

1 professional sporting event.

2 (xiii) A mental health facility.

3 (xiv) Any community college, college, or university
4 campus without consent of the school authorities. School
5 authorities shall inform the appropriate law enforcement
6 agency and any law enforcement personnel on site of such
7 consent.

8 (xv) A library without the written consent of the
9 library's governing body. The governing body shall inform
10 the appropriate law enforcement agency of such consent.

11 (xvi) Any police, sheriff, or State Police office or
12 station without the consent of the chief law enforcement
13 officer in charge of that office or station.

14 (xvii) Any adult or juvenile detention or correctional
15 institution, prison, or jail.

16 (b) A municipality or school district may prohibit or limit
17 licensees from carrying a concealed firearm into or within any
18 building owned, leased, or controlled by that municipality or
19 school district by a majority vote of members of its governing
20 board. A resolution or ordinance shall not prohibit a licensee
21 from carrying a concealed firearm in any building used for
22 public housing, on any sidewalk, on any highway or roadway, or
23 in any public restroom. A resolution or ordinance shall not
24 prohibit a licensee from carrying a concealed firearm in a
25 public transportation facility or while accessing the services
26 of a public transportation agency. For purposes of this

1 Section, "public transportation facility" means a terminal or
2 other place where one may obtain public transportation. For
3 purposes of this Section, "public transportation agency" means
4 a public or private agency that provides for the transportation
5 or conveyance of persons by means available to the general
6 public, except for transportation by automobiles not used for
7 conveyance of the general public as passengers. The resolution
8 or ordinance may specify that persons violating the resolution
9 or ordinance may be denied entrance to the building and
10 subjected to a civil fine of no more than \$100 for any
11 violation of the provisions of the resolution or ordinance.

12 (c) The owner, business or commercial lessee, or manager of
13 a private business enterprise, or any other private
14 organization, entity, or person, may prohibit licensees from
15 carrying a concealed firearm on the premises under its control.
16 However, any owner shall allow for any lessee to carry or
17 possess a concealed firearm in accordance with this Act in any
18 part of a building or upon any property he or she leases.

19 (d) Any person licensed under this Act who is prohibited
20 from carrying a concealed firearm into a building or on the
21 premises as specified in subsection (a) or designated in
22 accordance with subsection (b) or (c) shall be permitted to
23 store that handgun or ammunition out of plain sight in a locked
24 vehicle or in a locked compartment or container within his or
25 her vehicle. A licensee shall not be in violation of this
26 Section while he or she is traveling along a public right of

1 way that touches or crosses any of the premises specified in
2 subsection (a) or designated under subsection (b) or (c) if the
3 handgun is carried on his or her person in accordance with the
4 provisions of this Act or is being transported in a vehicle by
5 the licensee in accordance with all other applicable provisions
6 of law. A licensee shall not be in violation of subsection (b)
7 or (c) of this Section if a building or premises designated
8 under subsection (b) or (c) fails to post a sign.

9 (e) If a law enforcement officer initiates an investigative
10 stop, including but not limited to a traffic stop, of a
11 licensee who is carrying a concealed firearm, the licensee
12 shall immediately disclose to the officer that he or she is in
13 possession of a concealed firearm pursuant to this Act.

14 (f) A licensee shall not carry a concealed firearm while
15 under the influence of illegal drugs or hallucinogenic drugs or
16 alcohol. For the purposes of this subsection (f), "under the
17 influence of alcohol" means a blood alcohol content of .08 or
18 greater.

19 (g) Signs stating that the carrying of a concealed firearm
20 is prohibited shall be clearly and conspicuously posted at
21 every entrance of a building or premises specified in
22 subsection (a) or designated in accordance with subsection (b)
23 or (c). The Department shall promulgate rules for standardized
24 signs to be used under this subsection.

25 (h) A violation of subsection (a), (b), (c), (d), (e), or
26 (f) is a Class B misdemeanor. A willful violation of subsection

1 (a), (b), (c), (d), (e), or (f) is a Class A misdemeanor. The
2 court may require a licensee to pay a \$150 fee, in addition to
3 any other fees or court costs, for a violation of subsection
4 (e).

5 (i) The sheriff may suspend a license for up to 90 days for
6 a violation of subsection (a), (b), (c), (d), (e), or (f) or up
7 to 180 days for a willful violation of subsection (a), (b),
8 (c), (d), (e), or (f). The sheriff shall permanently revoke a
9 license for 3 or more violations of this Section.

10 Section 75. Immunity of sheriff's employees and agents.
11 The office of the sheriff or any employee or agent of the
12 sheriff shall not be liable for damages in any civil action
13 arising from alleged wrongful or improper granting, renewing,
14 or failure to revoke licenses issued under this Act, except for
15 willful or wanton misconduct. The office of the sheriff and any
16 employees or agents shall not be liable for submitting specific
17 or articulable reasons why an applicant should be denied a
18 license, unless the objection contains false, malicious, or
19 inaccurate information and the objection constituted willful
20 and wanton misconduct.

21 Section 80. Fees.

22 (a) Fees collected under this Act by the and deposited into
23 the Citizen Safety and Self-Defense Trust Fund shall be
24 appropriated by the county board for administration of this

1 Act.

2 (b) Fees shall be:

3 New license: \$100.

4 Renewal of license: \$50.

5 Duplicate license due to lost or destroyed: \$25.

6 Corrected license due to change of address or name: \$25.

7 Late renewal fee: \$25.

8 (c) By March 1 of each year, each sheriff in counties that
9 have authorized the sheriff to issue concealed carry licenses
10 shall submit a statistical report to the Governor, the
11 President of the Senate, and the Speaker of the House of
12 Representatives indicating the number of licenses in the county
13 issued, revoked, suspended, denied, and issued after appeal
14 since the last report and in total and also the number of
15 licenses currently valid in the county. The report shall also
16 include the number of arrests and convictions and the types of
17 crimes committed since the last report by licensees.

18 (d) The Secretary of State shall conduct a study to
19 determine the cost and feasibility of creating a method of
20 adding an identifiable code, background, or other means to show
21 that an individual has been issued a license by the county
22 sheriff on the person's driver's license.

23 Section 85. Applicant training.

24 (a) The applicant training course shall be the standardized
25 training course furnished by the Department and taught by a

1 qualified firearms instructor, consisting of 8 hours of
2 instruction covering at least the following topics:

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

5 (ii) the basic principles of marksmanship;

6 (iii) care and cleaning of handguns; and

7 (iv) by means of a videotape produced or approved by
8 the Department:

9 (A) the requirements for obtaining a license to
10 carry a concealed firearm in this State;

11 (B) laws relating to firearms as prescribed in the
12 Firearm Owners Identification Card Act, Article 24 of
13 the Criminal Code of 1961, and 18 U.S.C. 921 through
14 930; and

15 (C) laws relating to the justifiable use of force
16 as prescribed in Article 7 of the Criminal Code of
17 1961; and

18 (v) live firing exercises of sufficient duration for
19 each applicant to fire a handgun:

20 (A) a minimum of 30 rounds; and

21 (B) 20 rounds from a distance of 7 yards and 10
22 rounds from a distance of 15 yards at a B-21 silhouette
23 or equivalent target as approved by the Department.

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

1 (c) Applicant training courses shall not be open to anyone
2 under the age of 16 and no certificate of completion shall be
3 issued to persons less than 20 years of age.

4 (c-5) Instructors shall maintain all records for students'
5 performance for not less than 5 years.

6 (d) Qualified firearms instructors may only discuss the
7 contents of the video or the statutory provisions of listed in
8 clauses (A), (B), and (C) of subparagraph (iv) of paragraph (a)
9 to ensure the students comprehend the subject matter for
10 preparation of the written exam.

11 (e) At the conclusion of the classroom portion of the
12 applicant training course, the qualified firearms instructor
13 shall:

14 (1) distribute a standard course examination to the
15 students;

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

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

20 (4) not grade the examinations in the presence of
21 students.

22 (f) A person shall not:

23 (1) make an unauthorized copy of the applicant training
24 course examination, in whole or in part;

25 (2) possess the applicant training course examination,
26 or questions from the examination, unless authorized by the

1 Department; or

2 (3) divulge the contents of an applicant training
3 course examination questions to another person.

4 (g) Students shall provide their own safe, functional
5 handgun and factory-loaded ammunition.

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

8 (1) does not follow the orders of the certified
9 firearms instructor;

10 (2) in the judgment of the certified firearms
11 instructor, handles a firearm in a manner that poses a
12 danger to the applicant or to others; or

13 (3) during the testing portion of the range work fails
14 to hit the silhouette portion of the target with 70% of the
15 30 rounds fired.

16 (i) Certified firearms instructors shall:

17 (1) allow monitoring of their classes by officials of
18 any certifying agency;

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

21 (3) not divulge course records except as authorized by
22 the certifying agency.

23 (j) Fees for applicant training courses shall be set by the
24 instructor.

25 (k) An applicant training course shall not have more than
26 40 students in the classroom portion or more than 5 students

1 per range officer engaged in range firing.

2 (1) Within 3 business days after the completion of the
3 course, the certified firearms instructor shall:

4 (1) grade the examinations; and

5 (2) issue to the student:

6 (i) a certificate of successful course completion;
7 nothing in this Section shall prevent the instructor
8 from issuing the certificate on the same day as the
9 course was completed; or

10 (ii) notification that the applicant has failed
11 the written portion of the course, the live firing
12 portion of the course, or both, and will not be issued
13 a certificate of completion.

14 (m) 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. The Department shall develop the
18 written exam not to exceed 50 questions; and

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

20 (n)(1) Students who score below 70% on the written
21 examination may retake the examination one time without having
22 to retake the course.

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

26 (o) The Department shall make materials for applicant

1 training available to qualified instructors online through the
2 Department's website or Internet. If the Department fails to
3 have training materials available 90 days after the effective
4 date of this Act, then the requirements of this Section shall
5 be deemed to have been met by the applicant providing proof of
6 passage of a National Rifle Association Basic Pistol Course.

7 (p) For purposes of this Section, successful completion of
8 Firearms Instructor Training under Section 90 shall meet the
9 training requirements of this Section.

10 Section 90. Firearms instructors training.

11 (a) Not later than 90 days after the effective date of this
12 Act, the Department shall offer and teach courses to qualify
13 instructors under this Section in each State Police District.
14 Courses shall be available at least bi-monthly, or whenever 5
15 or more individuals request a class in any State Police
16 District. However, nothing in this Section shall require a
17 course to be held if there are no requests pending, and
18 adjoining districts may combine classes in order to have at
19 least 5 participants.

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

22 (c) Persons who are not qualified firearms instructors
23 shall not advertise or otherwise represent courses they teach
24 as qualifying their students to meet the requirements to
25 receive a license under this Act.

1 (d) Persons who are not certified instructor trainers shall
2 not teach instructor qualification courses.

3 (e) Persons wishing to become qualified firearms
4 instructors shall:

- 5 (1) be at least 21 years of age;
- 6 (2) be a citizen of the United States; and
- 7 (3) meet the requirements of subsection (c) of Section
8 25.

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

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

16 (i) any National Rifle Association Instructor
17 Certification;

18 (ii) certification from a firearms instructor's
19 course offered by a State or federal governmental
20 agency; or

21 (iii) a similar firearms instructor qualifying
22 course, approved by the Director of State Police or his
23 or her designee.

24 (g) (1) Applicants shall agree to background checks.

25 (2) An applicant may be disqualified from taking firearms
26 instructor training, or have his or her instructor

1 qualification revoked, if the applicant:

2 (A) does not meet the requirements of this Act to
3 possess a license;

4 (B) provides false or misleading information on the
5 application; or

6 (C) has had a prior instructor qualification revoked by
7 the or other issuing body.

8 (h) The training course to certify firearms instructors and
9 instructor trainers shall include:

10 (1) Not more than 16 hours of instruction covering at
11 least the following topics by means of a videotape produced
12 or approved by the Department:

13 (A) the requirements for obtaining a license under
14 this Act;

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

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

21 (D) the conducting of applicant training courses;

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

23 (F) the basic nomenclature of handguns;

24 (G) the basic principles of marksmanship; and

25 (H) the safe handling of handguns.

26 (2) A classroom demonstration, during which the

1 instructor candidate shall receive instruction on and
2 demonstrate competency in the ability to prepare and
3 deliver a classroom presentation using materials from the
4 applicant curriculum.

5 (3) Range instruction and firing of live ammunition,
6 during which the instructor candidate shall receive
7 instruction on and demonstrate competency in the ability
8 to:

9 (i) handle and fire a handgun safely and
10 accurately;

11 (ii) conduct a function test and safety inspection
12 of revolvers and pistols;

13 (iii) clean revolvers and pistols; and

14 (iv) supervise and conduct live firing exercises
15 in a safe and efficient manner.

16 (i) To qualify as a certified firearms instructor or
17 instructor trainer, instructor candidates shall achieve:

18 (1) a minimum score of 70% on a written examination
19 covering the material taught during the classroom portion
20 of the course; and

21 (2) a minimum score of 70% on range firing of a handgun
22 while aiming at a B-21 silhouette target or an equivalent
23 as approved by the Department, with a minimum of:

24 (i) twenty rounds from 7 yards; and

25 (ii) ten rounds from 15 yards; and

26 (iii) a score of "passing" from the course

1 instructor for demonstrating competency in each of the
2 following:

- 3 (A) supervising and conducting live fire;
- 4 (B) cleaning and inspecting handguns; and
- 5 (C) preparing and delivering the classroom
6 lecture.

7 (j) Instructor candidates who fail to meet the minimum
8 requirements of subsection (i) of this Section may retake the
9 examination, range work, or classroom demonstration one time
10 without having to repeat the course.

11 (k) Qualified firearms instructor and instructor trainer
12 certificates shall be valid for 10 years from the date of
13 issue. Qualified firearms instructors or instructor trainers
14 may renew their certification by successfully completing a
15 refresher course offered or approved by the Department.

16 (l) The fees for instructor courses or refresher courses
17 shall be \$100 per student paid to the Department. Fees shall
18 not be refunded to those who do not pass or otherwise fail to
19 complete a course.

20 (m) Course participants shall provide their own safe,
21 functional handgun and factory-loaded ammunition.

22 (n) Prior to conducting range firing, the course instructor
23 shall:

- 24 (i) inspect each applicant's firearm; and
- 25 (ii) not allow the firing of a handgun which is not in
26 sound mechanical condition or otherwise may pose a safety

1 hazard.

2 Section 95. Preemption. It is declared to be the policy of
3 this State that it is an exclusive power and function of the
4 State to regulate the possession and transportation of handguns
5 and the issuance of licenses to carry a concealed firearm. A
6 home rule unit shall not regulate the possession or
7 transportation of handguns in a manner inconsistent with this
8 Act. A home rule unit shall not regulate the number of handguns
9 or require registration of handguns possessed by a person
10 licensed under this Act in a manner inconsistent with this Act.
11 This Section is a denial of home rule powers and functions
12 under subsection (g) of Section 6 of Article VII of the
13 Illinois Constitution.

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

16 Section 900. The Freedom of Information Act is amended by
17 changing Section 7.5 as follows:

18 (5 ILCS 140/7.5)

19 Sec. 7.5. Statutory Exemptions. To the extent provided for
20 by the statutes referenced below, the following shall be exempt
21 from inspection and copying:

22 (a) All information determined to be confidential under

1 Section 4002 of the Technology Advancement and Development Act.

2 (b) Library circulation and order records identifying
3 library users with specific materials under the Library Records
4 Confidentiality Act.

5 (c) Applications, related documents, and medical records
6 received by the Experimental Organ Transplantation Procedures
7 Board and any and all documents or other records prepared by
8 the Experimental Organ Transplantation Procedures Board or its
9 staff relating to applications it has received.

10 (d) Information and records held by the Department of
11 Public Health and its authorized representatives relating to
12 known or suspected cases of sexually transmissible disease or
13 any information the disclosure of which is restricted under the
14 Illinois Sexually Transmissible Disease Control Act.

15 (e) Information the disclosure of which is exempted under
16 Section 30 of the Radon Industry Licensing Act.

17 (f) Firm performance evaluations under Section 55 of the
18 Architectural, Engineering, and Land Surveying Qualifications
19 Based Selection Act.

20 (g) Information the disclosure of which is restricted and
21 exempted under Section 50 of the Illinois Prepaid Tuition Act.

22 (h) Information the disclosure of which is exempted under
23 the State Officials and Employees Ethics Act, and records of
24 any lawfully created State or local inspector general's office
25 that would be exempt if created or obtained by an Executive
26 Inspector General's office under that Act.

1 (i) Information contained in a local emergency energy plan
2 submitted to a municipality in accordance with a local
3 emergency energy plan ordinance that is adopted under Section
4 11-21.5-5 of the Illinois Municipal Code.

5 (j) Information and data concerning the distribution of
6 surcharge moneys collected and remitted by wireless carriers
7 under the Wireless Emergency Telephone Safety Act.

8 (k) Law enforcement officer identification information or
9 driver identification information compiled by a law
10 enforcement agency or the Department of Transportation under
11 Section 11-212 of the Illinois Vehicle Code.

12 (l) Records and information provided to a residential
13 health care facility resident sexual assault and death review
14 team or the Executive Council under the Abuse Prevention Review
15 Team Act.

16 (m) Information provided to the predatory lending database
17 created pursuant to Article 3 of the Residential Real Property
18 Disclosure Act, except to the extent authorized under that
19 Article.

20 (n) Defense budgets and petitions for certification of
21 compensation and expenses for court appointed trial counsel as
22 provided under Sections 10 and 15 of the Capital Crimes
23 Litigation Act. This subsection (n) shall apply until the
24 conclusion of the trial of the case, even if the prosecution
25 chooses not to pursue the death penalty prior to trial or
26 sentencing.

1 (o) Information that is prohibited from being disclosed
2 under Section 4 of the Illinois Health and Hazardous Substances
3 Registry Act.

4 (p) Security portions of system safety program plans,
5 investigation reports, surveys, schedules, lists, data, or
6 information compiled, collected, or prepared by or for the
7 Regional Transportation Authority under Section 2.11 of the
8 Regional Transportation Authority Act or the St. Clair County
9 Transit District under the Bi-State Transit Safety Act.

10 (q) Information prohibited from being disclosed by the
11 Personnel Records Review Act.

12 (r) Information prohibited from being disclosed by the
13 Illinois School Student Records Act.

14 (s) Information the disclosure of which is restricted under
15 Section 5-108 of the Public Utilities Act.

16 (t) All identified or deidentified health information in
17 the form of health data or medical records contained in, stored
18 in, submitted to, transferred by, or released from the Illinois
19 Health Information Exchange, and identified or deidentified
20 health information in the form of health data and medical
21 records of the Illinois Health Information Exchange in the
22 possession of the Illinois Health Information Exchange
23 Authority due to its administration of the Illinois Health
24 Information Exchange. The terms "identified" and
25 "deidentified" shall be given the same meaning as in the Health
26 Insurance Accountability and Portability Act of 1996, Public

1 Law 104-191, or any subsequent amendments thereto, and any
2 regulations promulgated thereunder.

3 (u) ~~(t)~~ Records and information provided to an independent
4 team of experts under Brian's Law.

5 (v) Information maintained by the Department of State
6 Police in accordance with subsection (a) of Section 35 of the
7 Family and Personal Protection Act, except as authorized by
8 that Act.

9 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
10 96-1331, eff. 7-27-10; revised 9-2-10.)

11 Section 910. The Criminal Code of 1961 is amended by
12 changing Sections 21-6 and 24-2 as follows:

13 (720 ILCS 5/21-6) (from Ch. 38, par. 21-6)

14 Sec. 21-6. Unauthorized Possession or Storage of Weapons.

15 (a) Whoever possesses or stores any weapon enumerated in
16 Section 33A-1 in any building or on land supported in whole or
17 in part with public funds or in any building on such land
18 without prior written permission from the chief security
19 officer for such land or building commits a Class A
20 misdemeanor.

21 (b) The chief security officer must grant any reasonable
22 request for permission under paragraph (a).

23 (c) This Section shall not apply to a person acting
24 lawfully under the Family and Personal Protection Act.

1 (Source: P.A. 89-685, eff. 6-1-97.)

2 (720 ILCS 5/24-2)

3 Sec. 24-2. Exemptions.

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

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

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

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

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

1 (5) Persons licensed as private security contractors,
2 private detectives, or private alarm contractors, or
3 employed by an agency certified by the Department of
4 Professional Regulation, if their duties include the
5 carrying of a weapon under the provisions of the Private
6 Detective, Private Alarm, Private Security, Fingerprint
7 Vendor, and Locksmith Act of 2004, while actually engaged
8 in the performance of the duties of their employment or
9 commuting between their homes and places of employment,
10 provided that such commuting is accomplished within one
11 hour from departure from home or place of employment, as
12 the case may be. Persons exempted under this subdivision
13 (a)(5) shall be required to have completed a course of
14 study in firearms handling and training approved and
15 supervised by the Department of Professional Regulation as
16 prescribed by Section 28 of the Private Detective, Private
17 Alarm, Private Security, Fingerprint Vendor, and Locksmith
18 Act of 2004, prior to becoming eligible for this exemption.
19 The Department of Professional Regulation shall provide
20 suitable documentation demonstrating the successful
21 completion of the prescribed firearms training. Such
22 documentation shall be carried at all times when such
23 persons are in possession of a concealable weapon.

24 (6) Any person regularly employed in a commercial or
25 industrial operation as a security guard for the protection
26 of persons employed and private property related to such

1 commercial or industrial operation, while actually engaged
2 in the performance of his or her duty or traveling between
3 sites or properties belonging to the employer, and who, as
4 a security guard, is a member of a security force of at
5 least 5 persons registered with the Department of
6 Professional Regulation; provided that such security guard
7 has successfully completed a course of study, approved by
8 and supervised by the Department of Professional
9 Regulation, consisting of not less than 40 hours of
10 training that includes the theory of law enforcement,
11 liability for acts, and the handling of weapons. A person
12 shall be considered eligible for this exemption if he or
13 she has completed the required 20 hours of training for a
14 security officer and 20 hours of required firearm training,
15 and has been issued a firearm control card by the
16 Department of Professional Regulation. Conditions for the
17 renewal of firearm control cards issued under the
18 provisions of this Section shall be the same as for those
19 cards issued under the provisions of the Private Detective,
20 Private Alarm, Private Security, Fingerprint Vendor, and
21 Locksmith Act of 2004. Such firearm control card shall be
22 carried by the security guard at all times when he or she
23 is in possession of a concealable weapon.

24 (7) Agents and investigators of the Illinois
25 Legislative Investigating Commission authorized by the
26 Commission to carry the weapons specified in subsections

1 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
2 any investigation for the Commission.

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

1 "financial institution" means a bank, savings and loan
2 association, credit union or company providing armored car
3 services.

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

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

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

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

16 (12.5) Probation officers while in the performance of
17 their duties, or while commuting between their homes,
18 places of employment or specific locations that are part of
19 their assigned duties, with the consent of the chief judge
20 of the circuit for which they are employed.

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

25 (13.5) A person employed as an armed security guard at
26 a nuclear energy, storage, weapons or development site or

1 facility regulated by the Nuclear Regulatory Commission
2 who has completed the background screening and training
3 mandated by the rules and regulations of the Nuclear
4 Regulatory Commission.

5 (14) Manufacture, transportation, or sale of weapons
6 to persons authorized under subdivisions (1) through
7 (13.5) of this subsection to possess those weapons.

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

10 (1) Members of any club or organization organized for
11 the purpose of practicing shooting at targets upon
12 established target ranges, whether public or private, and
13 patrons of such ranges, while such members or patrons are
14 using their firearms on those target ranges.

15 (2) Duly authorized military or civil organizations
16 while parading, with the special permission of the
17 Governor.

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

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

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

26 (6) A licensee under the Family and Personal Protection

1 Act, notwithstanding Section 70 of that Act, if the
2 licensee meets the requirements of the Family and Personal
3 Protection Act.

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

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

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

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

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

19 (5) Persons licensed under federal law to manufacture
20 any weapon from which 8 or more shots or bullets can be
21 discharged by a single function of the firing device, or
22 ammunition for such weapons, and actually engaged in the
23 business of manufacturing such weapons or ammunition, but
24 only with respect to activities which are within the lawful
25 scope of such business, such as the manufacture,
26 transportation, or testing of such weapons or ammunition.

1 This exemption does not authorize the general private
2 possession of any weapon from which 8 or more shots or
3 bullets can be discharged by a single function of the
4 firing device, but only such possession and activities as
5 are within the lawful scope of a licensed manufacturing
6 business described in this paragraph.

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

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

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

1 During transportation, any such weapon shall be broken
2 down in a non-functioning state, or not immediately
3 accessible.

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

7 (e) Subsection 24-1(a)(8) does not apply to any owner,
8 manager or authorized employee of any place specified in that
9 subsection nor to any law enforcement officer or a licensee
10 under the Family and Personal Protection Act, notwithstanding
11 Section 70 of that Act.

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

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

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

22 (2) Bonafide collectors of antique or surplus military
23 ordinance.

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

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

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

1 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
2 24-1.6 do not apply to or affect any parole agent or parole
3 supervisor who meets the qualifications and conditions
4 prescribed in Section 3-14-1.5 of the Unified Code of
5 Corrections.

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

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

21 (i) Nothing in this Article shall prohibit, apply to, or
22 affect the transportation, carrying, or possession, of any
23 pistol or revolver, stun gun, taser, or other firearm consigned
24 to a common carrier operating under license of the State of
25 Illinois or the federal government, where such transportation,
26 carrying, or possession is incident to the lawful

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

9 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
10 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
11 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

12 Section 999. Effective date. This Act takes effect upon
13 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 5 ILCS 140/7.5

5 720 ILCS 5/21-6 from Ch. 38, par. 21-6

6 720 ILCS 5/24-2