

1 AN ACT in relation to criminal law.

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

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

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

7 Sec. 24-2. Exemptions.

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

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

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

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

25 (4) Special agents employed by a railroad or a
26 public utility to perform police functions, and guards of
27 armored car companies, while actually engaged in the
28 performance of the duties of their employment or
29 commuting between their homes and places of employment;
30 and watchmen while actually engaged in the performance of
31 the duties of their employment.

1 (5) Persons licensed as private security
2 contractors, private detectives, or private alarm
3 contractors, or employed by an agency certified by the
4 Department of Professional Regulation, if their duties
5 include the carrying of a weapon under the provisions of
6 the Private Detective, Private Alarm, and Private
7 Security Act of 1983, while actually engaged in the
8 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
16 as prescribed by Section 28 of the Private Detective,
17 Private Alarm, and Private Security Act of 1983, prior to
18 becoming eligible for this exemption. The Department of
19 Professional Regulation shall provide suitable
20 documentation demonstrating the successful completion of
21 the prescribed firearms training. Such documentation
22 shall be carried at all times when such persons are in
23 possession of a concealable weapon.

24 (6) Any person regularly employed in a commercial
25 or industrial operation as a security guard for the
26 protection of persons employed and private property
27 related to such commercial or industrial operation, while
28 actually engaged in the performance of his or her duty or
29 traveling between sites or properties belonging to the
30 employer, and who, as a security guard, is a member of a
31 security force of at least 5 persons registered with the
32 Department of Professional Regulation; provided that such
33 security guard has successfully completed a course of
34 study, approved by and supervised by the Department of

1 Professional Regulation, consisting of not less than 40
2 hours of training that includes the theory of law
3 enforcement, liability for acts, and the handling of
4 weapons. A person shall be considered eligible for this
5 exemption if he or she has completed the required 20
6 hours of training for a security officer and 20 hours of
7 required firearm training, and has been issued a firearm
8 authorization card by the Department of Professional
9 Regulation. Conditions for the renewal of firearm
10 authorization cards issued under the provisions of this
11 Section shall be the same as for those cards issued under
12 the provisions of the Private Detective, Private Alarm
13 and Private Security Act of 1983. Such firearm
14 authorization card shall be carried by the security guard
15 at all times when he or she is in possession of a
16 concealable weapon.

17 (7) Agents and investigators of the Illinois
18 Legislative Investigating Commission authorized by the
19 Commission to carry the weapons specified in subsections
20 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
21 any investigation for the Commission.

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

1 completed the required 20 hours of training for a
2 security officer and 20 hours of required firearm
3 training, and has been issued a firearm authorization
4 card by the Department of Professional Regulation.
5 Conditions for renewal of firearm authorization cards
6 issued under the provisions of this Section shall be the
7 same as for those issued under the provisions of the
8 Private Detective, Private Alarm and Private Security Act
9 of 1983. Such firearm authorization card shall be
10 carried by the person so trained at all times when such
11 person is in possession of a concealable weapon. For
12 purposes of this subsection, "financial institution"
13 means a bank, savings and loan association, credit union
14 or company providing armored car services.

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

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

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

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

28 (13) Court Security Officers while in the
29 performance of their official duties, or while commuting
30 between their homes and places of employment, with the
31 consent of the Sheriff.

32 (13.5) A person employed as an armed security guard
33 at a nuclear energy, storage, weapons or development site
34 or facility regulated by the Nuclear Regulatory

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

4 (14) Manufacture, transportation, or sale of
5 weapons to persons authorized under subdivisions (1)
6 through (13.5) of this subsection to possess those
7 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
11 for 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
19 or permit while engaged in hunting, trapping or fishing.

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

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

25 (1) Peace officers while in performance of their
26 official duties.

27 (2) Wardens, superintendents and keepers of
28 prisons, penitentiaries, jails and other institutions for
29 the detention of persons accused or convicted of an
30 offense.

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

34 (4) Manufacture, transportation, or sale of machine

1 guns to persons authorized under subdivisions (1) through
2 (3) of this subsection to possess machine guns, if the
3 machine guns are broken down in a non-functioning state
4 or are not immediately accessible.

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

20 During transportation, such weapons shall be broken
21 down in a non-functioning state or not immediately
22 accessible.

23 (6) The manufacture, transport, testing, delivery,
24 transfer or sale, and all lawful commercial or
25 experimental activities necessary thereto, of rifles,
26 shotguns, and weapons made from rifles or shotguns, or
27 ammunition for such rifles, shotguns or weapons, where
28 engaged in by a person operating as a contractor or
29 subcontractor pursuant to a contract or subcontract for
30 the development and supply of such rifles, shotguns,
31 weapons or ammunition to the United States government or
32 any branch of the Armed Forces of the United States, when
33 such activities are necessary and incident to fulfilling
34 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
8 broken down in a non-functioning state, or not
9 immediately accessible.

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

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

26 (2) Bonafide collectors of antique or surplus
27 military ordinance.

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

31 (4) Commerce, preparation, assembly or possession
32 of explosive bullets by manufacturers of ammunition
33 licensed by the federal government, in connection with
34 the supply of those organizations and persons exempted by

1 subdivision (g)(1) of this Section, or like organizations
2 and persons outside this State, or the transportation of
3 explosive bullets to any organization or person exempted
4 in this Section by a common carrier or by a vehicle owned
5 or leased by an exempted manufacturer.

6 (g-5) Subsections 24-1(a)(6) and 24-1(a)(7) do not apply
7 to a business entity that designs, develops, and manufactures
8 ammunition and uses such devices, attachments, or weapons
9 described in those subsections solely for the purpose of
10 testing the ammunition for legitimate business purposes. The
11 Department of State Police, upon a proper determination,
12 shall issue a certificate of exemption from subsections
13 24-1(a)(6) and 24-1(a)(7) in accordance with this subdivision
14 (g-5).

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

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

34 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;

1 92-325, eff. 8-9-01.)

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.