

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

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

27 (i) Nothing in this Article shall prohibit, apply to, or  
28 affect the transportation, carrying, or possession, of any  
29 pistol or revolver, stun gun, taser, or other firearm  
30 consigned to a common carrier operating under license of the  
31 State of Illinois or the federal government, where such  
32 transportation, carrying, or possession is incident to the  
33 lawful transportation in which such common carrier is  
34 engaged; and nothing in this Article shall prohibit, apply



1 to, or affect the transportation, carrying, or possession of  
2 any pistol, revolver, stun gun, taser, or other firearm, not  
3 the subject of and regulated by subsection 24-1(a)(7) or  
4 subsection 24-2(c) of this Article, which is unloaded and  
5 enclosed in a case, firearm carrying box, shipping box, or  
6 other container, by the possessor of a valid Firearm Owners  
7 Identification Card.

8 (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00;  
9 92-325, eff. 8-9-01.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.