

# HB0427



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB0427

Introduced 1/26/2007, by Rep. Joseph M. Lyons

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2

from Ch. 38, par. 24-2

730 ILCS 5/3-14-1.5 new

Amends the Criminal Code of 1961 and the Unified Code of Corrections. Provides that the prohibitions on carrying concealed firearms or firearms in a vehicle and carrying firearms on a public way do not apply to parole agents and parole supervisors who meet certain qualifications and conditions.

LRB095 04145 RLC 24183 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 changing  
5 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) and  
9 Section 24-1.6 do not apply to or affect any of the following:

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

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

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

22 (4) Special agents employed by a railroad or a public  
23 utility to perform police functions, and guards of armored

1 car companies, while actually engaged in the performance of  
2 the duties of their employment or commuting between their  
3 homes and places of employment; and watchmen while actually  
4 engaged in the performance of the duties of their  
5 employment.

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

1 be carried at all times when such persons are in possession  
2 of a concealable weapon.

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

1 security guard at all times when he or she is in possession  
2 of a concealable weapon.

3 (7) Agents and investigators of the Illinois  
4 Legislative Investigating Commission authorized by the  
5 Commission to carry the weapons specified in subsections  
6 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
7 any investigation for the Commission.

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

1 provisions of the Private Detective, Private Alarm,  
2 Private Security, and Locksmith Act of 2004. Such firearm  
3 authorization card shall be carried by the person so  
4 trained at all times when such person is in possession of a  
5 concealable weapon. For purposes of this subsection,  
6 "financial institution" means a bank, savings and loan  
7 association, credit union or company providing armored car  
8 services.

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

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

14 (11) Investigators of the Office of the State's  
15 Attorneys Appellate Prosecutor authorized by the board of  
16 governors of the Office of the State's Attorneys Appellate  
17 Prosecutor to carry weapons pursuant to Section 7.06 of the  
18 State's Attorneys Appellate Prosecutor's Act.

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

21 (12.5) Probation officers while in the performance of  
22 their duties, or while commuting between their homes,  
23 places of employment or specific locations that are part of  
24 their assigned duties, with the consent of the chief judge  
25 of the circuit for which they are employed.

26 (13) Court Security Officers while in the performance

1 of their official duties, or while commuting between their  
2 homes and places of employment, with the consent of the  
3 Sheriff.

4 (13.5) A person employed as an armed security guard at  
5 a nuclear energy, storage, weapons or development site or  
6 facility regulated by the Nuclear Regulatory Commission  
7 who has completed the background screening and training  
8 mandated by the rules and regulations of the Nuclear  
9 Regulatory Commission.

10 (14) Manufacture, transportation, or sale of weapons  
11 to persons authorized under subdivisions (1) through  
12 (13.5) of this subsection to possess those weapons.

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

15 (1) Members of any club or organization organized for  
16 the purpose of practicing shooting at targets upon  
17 established target ranges, whether public or private, and  
18 patrons of such ranges, while such members or patrons are  
19 using their firearms on those target ranges.

20 (2) Duly authorized military or civil organizations  
21 while parading, with the special permission of the  
22 Governor.

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

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

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

3 (1) Peace officers while in performance of their  
4 official duties.

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

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

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

16 (5) Persons licensed under federal law to manufacture  
17 any weapon from which 8 or more shots or bullets can be  
18 discharged by a single function of the firing device, or  
19 ammunition for such weapons, and actually engaged in the  
20 business of manufacturing such weapons or ammunition, but  
21 only with respect to activities which are within the lawful  
22 scope of such business, such as the manufacture,  
23 transportation, or testing of such weapons or ammunition.  
24 This exemption does not authorize the general private  
25 possession of any weapon from which 8 or more shots or  
26 bullets can be discharged by a single function of the



1 firing device, but only such possession and activities as  
2 are within the lawful scope of a licensed manufacturing  
3 business described in this paragraph.

4 During transportation, such weapons shall be broken  
5 down in a non-functioning state or not immediately  
6 accessible.

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

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

24 During transportation, any such weapon shall be broken  
25 down in a non-functioning state, or not immediately  
26 accessible.

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

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

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

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

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

17 (2) Bonafide collectors of antique or surplus military  
18 ordinance.

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

22 (4) Commerce, preparation, assembly or possession of  
23 explosive bullets by manufacturers of ammunition licensed  
24 by the federal government, in connection with the supply of  
25 those organizations and persons exempted by subdivision  
26 (g)(1) of this Section, or like organizations and persons

1 outside this State, or the transportation of explosive  
2 bullets to any organization or person exempted in this  
3 Section by a common carrier or by a vehicle owned or leased  
4 by an exempted manufacturer.

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

22 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
23 24-1.6 do not apply to or affect any parole agent or parole  
24 supervisor who meets the qualifications and conditions  
25 prescribed in Section 3-14-1.5 of the Unified Code of  
26 Corrections.

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

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

19 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,  
20 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

21 Section 10. The Unified Code of Corrections is amended by  
22 adding Section 3-14-1.5 as follows:

23 (730 ILCS 5/3-14-1.5 new)

24 Sec. 3-14-1.5. Parole agents and parole supervisors;

1 off-duty firearms. Subsections 24-1(a)(4) and 24-1(a)(10) and  
2 Section 24-1.6 do not apply to parole agents and parole  
3 supervisors who meet the following conditions:

4 (1) The parole agent or parole supervisor must receive  
5 training in the use of firearms while off-duty conducted by the  
6 Illinois Law Enforcement Training Standards Board and be  
7 certified as having successfully completing such training by  
8 the Board. The Board shall determine the amount of such  
9 training and the course content for such training. The parole  
10 agent or parole supervisor shall requalify for the firearm's  
11 training quarterly at only State ranges certified by the  
12 Illinois Law Enforcement Training Standards Board. The  
13 expenses of such retraining shall be paid by the parole agent  
14 or parole supervisor and moneys for such requalification shall  
15 be deployed at the request of the Illinois Law Enforcement  
16 Training Standards Board.

17 (2) The firearm may only be .38 or .40 caliber firearm.

18 (3) The parole agent or parole supervisor shall purchase  
19 such firearm at his or her own expense and shall register the  
20 firearm with the Illinois Department of State Police and with  
21 any other local law enforcement agencies that require such  
22 registration.

23 (4) The parole agent or parole supervisor may not carry any  
24 Illinois Department of Corrections State issued firearm while  
25 off-duty. A person who violates this paragraph (4) is subject  
26 to disciplinary action by the Illinois Department of

1 Corrections.

2 (5) If death or injury to a person or damage to property  
3 occurs as the result of the use of a firearm that the parole  
4 agent or parole supervisor is authorized to carry off-duty, the  
5 parole agent or parole supervisor must submit to a drug test  
6 within 24 hours after the incident. The agent's or supervisor's  
7 failure to submit to the required drug test shall result in the  
8 Department revoking the agent's or supervisor's right to carry  
9 a firearm off-duty until a board of inquiry established by the  
10 Department determines that the agent's or supervisor's use of  
11 the firearm was justified. The parole agent or parole  
12 supervisor in such cases must submit to a psychological  
13 evaluation conducted by a person or agency approved by the  
14 Illinois Law Enforcement Training Standards Board and no other  
15 psychological evaluation that is not approved by the Board  
16 shall be considered by the Board in evaluating the agent or  
17 supervisor. Nothing in this paragraph (5) shall prevent the  
18 State's Attorney or local law enforcement agency where the  
19 incident occurred from conducting a criminal investigation of  
20 the incident and initiating a prosecution of the agent or  
21 supervisor for the incident. If a criminal investigation and  
22 prosecution of the agent or supervisor is conducted, the parole  
23 agent or parole supervisor involved in the incident shall  
24 relinquish his or her off-duty carry rights until the  
25 completion of the criminal investigation and prosecution if it  
26 results in the exoneration of the agent or supervisor.

1       (6) Parole agents and supervisors who are discharged from  
2       employment of the Illinois Department of Corrections shall no  
3       longer be considered law enforcement officials and all their  
4       rights as law enforcement officials shall be revoked  
5       permanently.