

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)

7 (Text of Section after amendment by P.A. 97-676)

8 Sec. 24-2. Exemptions.

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

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

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

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

1 (4) Special agents employed by a railroad or a public
2 utility to perform police functions, and guards of armored
3 car companies, while actually engaged in the performance of
4 the duties of their employment or commuting between their
5 homes and places of employment; and watchmen while actually
6 engaged in the performance of the duties of their
7 employment.

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

1 suitable documentation demonstrating the successful
2 completion of the prescribed firearms training. Such
3 documentation shall be carried at all times when such
4 persons are in possession of a concealable weapon.

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

1 Private Alarm, Private Security, Fingerprint Vendor, and
2 Locksmith Act of 2004. Such firearm control card shall be
3 carried by the security guard at all times when he or she
4 is in possession of a concealable weapon.

5 (7) Agents and investigators of the Illinois
6 Legislative Investigating Commission authorized by the
7 Commission to carry the weapons specified in subsections
8 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
9 any investigation for the Commission.

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

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

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

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

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

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

23 (12.5) Probation officers while in the performance of
24 their duties, or while commuting between their homes,
25 places of employment or specific locations that are part of
26 their assigned duties, with the consent of the chief judge

1 of the circuit for which they are employed.

2 (13) Court Security Officers while in the performance
3 of their official duties, or while commuting between their
4 homes and places of employment, with the consent of the
5 Sheriff.

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

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

15 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
16 24-1.6 do not apply to or affect any of the following:

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

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

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

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

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

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

9 (1) Peace officers while in performance of their
10 official duties.

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

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

22 (5) Persons licensed under federal law to manufacture
23 any weapon from which 8 or more shots or bullets can be
24 discharged by a single function of the firing device, or
25 ammunition for such weapons, and actually engaged in the
26 business of manufacturing such weapons or ammunition, but

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

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

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

24 The exemption granted under this subdivision (c)(6)
25 shall also apply to any authorized agent of any such
26 contractor or subcontractor who is operating within the

1 scope of his employment, where such activities involving
2 such weapon, weapons or ammunition are necessary and
3 incident to fulfilling the terms of such contract.

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

7 (7) A person possessing a rifle with a barrel or
8 barrels less than 16 inches in length if: (A) the person
9 has been issued a Curios and Relics license from the U.S.
10 Bureau of Alcohol, Tobacco, Firearms and Explosives; or (B)
11 the person is an active member of a bona fide, nationally
12 recognized military re-enacting group and the modification
13 is required and necessary to accurately portray the weapon
14 for historical re-enactment purposes; the re-enactor is in
15 possession of a valid and current re-enacting group
16 membership credential; and the overall length of the weapon
17 as modified is not less than 26 inches. An active member of
18 a bona fide, nationally recognized military re enacting
19 group possessing a vintage rifle or modern reproduction
20 thereof with a barrel or barrels less than 16 inches in
21 length for the purpose of using the rifle during historical
22 re enactments if: (A) the person has been issued a Curios
23 and Relics license from the U.S. Bureau of Alcohol,
24 Tobacco, Firearms and Explosives; or (B) the modification
25 is required and necessary to accurately portray the weapon
26 for historical re enactment purposes; the re enactor is in

1 ~~possession of a valid and current re-enacting group~~
2 ~~membership credential; and the overall length of the weapon~~
3 ~~as modified is not less than 26 inches.~~

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

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

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

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

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

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

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

25 (3) Laboratories having a department of forensic
26 ballistics, or specializing in the development of

1 ammunition or explosive ordinance.

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

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

1 or not immediately accessible.

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

7 (g-7) Subsection 24-1(a)(6) does not apply to a peace
8 officer while serving as a member of a tactical response team
9 or special operations team. A peace officer may not personally
10 own or apply for ownership of a device or attachment of any
11 kind designed, used, or intended for use in silencing the
12 report of any firearm. These devices shall be owned and
13 maintained by lawfully recognized units of government whose
14 duties include the investigation of criminal acts.

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

26 (h) An information or indictment based upon a violation of

1 any subsection of this Article need not negative any exemptions
2 contained in this Article. The defendant shall have the burden
3 of proving such an exemption.

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

18 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
19 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11;
20 97-676, eff. 6-1-12; revised 2-10-12.)