

1 AN ACT concerning stun guns and tasers.

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 Stun
5 Gun and Taser Concealed Carry Licensing Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of State Police.

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

16 "Stun gun or taser", means (i) any device which is powered
17 by electrical charging units, such as, batteries, and which
18 fires one or several barbs attached to a length of wire and
19 which, upon hitting a human, can send out a current capable of
20 disrupting the person's nervous system in such a manner as to
21 render him incapable of normal functioning or (ii) any device
22 which is powered by electrical charging units, such as
23 batteries, and which, upon contact with a human or clothing

1 worn by a human, can send out current capable of disrupting the
2 person's nervous system in such a manner as to render him
3 incapable of normal functioning.

4 Section 10. License.

5 (a) The Department shall issue a license authorizing a
6 person to carry or possess a concealed stun gun or taser on or
7 about his or her person to an applicant who meets the following
8 qualifications:

9 (1) the applicant must be at least 18 years of age;

10 (2) the applicant must possess a valid Firearm Owner's
11 Identification Card issued in his or her name by the
12 Department;

13 (3) the applicant must pay a license fee prescribed by
14 the Department;

15 (4) the applicant must not be prohibited from
16 possessing a firearm under the federal Gun Control Act of
17 1968, the Firearm Owners Identification Card Act, or
18 Article 24 of the Criminal Code of 1961; and

19 (5) the applicant must demonstrate to the Department
20 completion of a training course approved by the Department
21 in the safe handling of a stun gun or taser and the laws
22 concerning the justified use of force in defense of the
23 person.

24 (b) The Department shall establish the duration of a
25 license.

1 (c) Every person applying for a license from the Department
2 shall file with the Department, a verified written application
3 in the form to be prescribed by the Department. The Department
4 shall make applications for a license available no later than
5 180 days after the effective date of this Act.

6 (d) The Department may establish the grounds, notice, and
7 hearing procedures for revocation of licenses issued under this
8 Section.

9 (e) The Department shall develop a standardized training
10 course taught by qualified stun gun or taser instructor within
11 the Department or approved by the Department.

12 Section 15. Scope of license. A person who has been issued
13 a license to carry a concealed stun gun or taser may carry a
14 stun gun or taser concealed upon his or her person and may use
15 a stun gun or taser against another person in the exercise of
16 reasonable force in defense of his or her person or in defense
17 of other persons if the use of that force is justified under
18 Section 7-1 of the Criminal Code of 1961.

19 Section 20. Prohibited use.

20 (a) A person under 18 years of age may not knowingly use or
21 possess a stun gun or taser.

22 (b) A person shall not knowingly use a stun gun or taser on
23 or against a peace officer or a person whom he or she
24 reasonably believes to be a peace officer while that person is

1 in the performance of his or her official duties.

2 Section 25. Carrying of a stun gun or taser in specific
3 places prohibited.

4 (a) No license issued under this Act shall authorize any
5 person to knowingly carry a concealed stun gun or taser into:

6 (1) Any building under the control of the Governor,
7 Lieutenant Governor, Attorney General, Secretary of State,
8 Comptroller, or Treasurer.

9 (2) Any building under control of the General Assembly
10 or any of its support service agencies, including the
11 portion of a building in which a committee of the General
12 Assembly convenes for the purpose of conducting meetings of
13 committees, joint committees, or legislative commissions.

14 (3) Any courthouse or building occupied in whole or in
15 part by the Circuit, Appellate, or Supreme Court or a room
16 designated as a courtroom for court proceedings by any of
17 these courts.

18 (4) Any meeting of the governing body of a unit of
19 local government or special district.

20 (5) Any establishment licensed to dispense alcoholic
21 beverages for consumption on the premises if less than 50%
22 of its annual gross income comes from the sale of food.

23 (6) Any area of an airport to which access is
24 controlled by the inspection of persons and property.

25 (7) Any place where the carrying of a stun gun, taser,

1 or similar device is prohibited by federal law.

2 (8) Any elementary or secondary school without the
3 consent of school authorities. School authorities shall
4 inform the appropriate law enforcement agency and any law
5 enforcement personnel on site of such consent.

6 (9) Any portion of a building used as a child care
7 facility without the consent of the manager. Nothing in
8 this subsection shall prevent the operator of a child care
9 facility in a family home from owning or possessing a taser
10 or stun gun or license.

11 (10) Any gaming facility licensed under the Riverboat
12 Gambling Act or the Illinois Horse Racing Act of 1975.

13 (11) Any gated area of an amusement park.

14 (12) Any stadium, arena, or collegiate or professional
15 sporting event.

16 (13) A mental health or developmental disabilities
17 facility.

18 (14) Any community college, college, or university
19 campus without consent of the school authorities. School
20 authorities shall inform the appropriate law enforcement
21 agency and any law enforcement personnel on site of such
22 consent.

23 (15) A library without the written consent of the
24 library's governing body. The governing body shall inform
25 the appropriate law enforcement agency of such consent.

26 (16) Any police, sheriff, or State Police office or

1 station without the consent of the chief law enforcement
2 officer in charge of that office or station.

3 (17) Any adult or juvenile detention or correctional
4 institution, prison, or jail.

5 (b) A municipality or school district may prohibit or limit
6 licensees from carrying a concealed stun gun or taser into or
7 within any building owned, leased, or controlled by that
8 municipality or school district by a majority vote of members
9 of its governing board. A resolution or ordinance shall not
10 prohibit a licensee from carrying a concealed stun gun or taser
11 in any building used for public housing, on any sidewalk, on
12 any highway or roadway, or in any public restroom. A resolution
13 or ordinance shall not prohibit a licensee from carrying a
14 concealed stun gun or taser in a public transportation facility
15 or while accessing the services of a public transportation
16 agency. For purposes of this subsection (b), "public
17 transportation facility" means a terminal or other place where
18 one may obtain public transportation. For purposes of this
19 subsection (b), "public transportation agency" means a public
20 or private agency that provides for the transportation or
21 conveyance of persons by means available to the general public,
22 except for transportation by automobiles not used for
23 conveyance of the general public as passengers. The resolution
24 or ordinance may specify that persons violating the resolution
25 or ordinance may be denied entrance to the building and
26 subjected to a civil fine of no more than \$100 for any

1 violation of the provisions of the resolution or ordinance.

2 (c) The owner, business or commercial lessee, or manager of
3 a private business enterprise, or any other private
4 organization, entity, or person, may prohibit licensees from
5 carrying a concealed stun gun or taser on the premises under
6 its control. However, any owner shall allow for any lessee to
7 carry or possess a concealed stun gun or taser in accordance
8 with this Act in any part of a building or upon any property he
9 or she leases.

10 (d) Any person licensed under this Act who is prohibited
11 from carrying a concealed stun gun or taser into a building or
12 on the premises as specified in subsection (a) or designated in
13 accordance with subsection (b) or (c) shall be permitted to
14 store the stun gun or taser out of plain sight in a locked
15 vehicle or in a locked compartment or container within his or
16 her vehicle. A licensee shall not be in violation of this
17 Section while he or she is traveling along a public right of
18 way that touches or crosses any of the premises specified in
19 subsection (a) or designated under subsection (b) or (c) if the
20 stun gun or taser is carried on his or her person in accordance
21 with the provisions of this Act or is being transported in a
22 vehicle by the licensee in accordance with all other applicable
23 provisions of law.

24 (e) If a law enforcement officer initiates an investigative
25 stop, including but not limited to a traffic stop, of a
26 licensee who is carrying a concealed stun gun or taser, the

1 licensee shall immediately disclose to the officer that he or
2 she is in possession of a concealed firearm pursuant to this
3 Act.

4 (f) A licensee shall not carry a concealed stun gun or
5 taser while under the influence of illegal drugs or
6 hallucinogenic drugs or alcohol. For the purposes of this
7 subsection (f), under the influence of alcohol means a blood
8 alcohol content of .08 or greater.

9 Section 30. Sentence.

10 (a) A person who carries a concealed stun gun or taser in
11 violation of this Act shall be punished as provided in Section
12 24-1 or 24-1.6 of the Criminal Code of 1961.

13 (b) A stun gun or taser used in the commission of a crime
14 shall legally constitute a deadly weapon under Article 24 of
15 the Criminal Code of 1961.

16 Section 105. The Criminal Code of 1961 is amended by
17 changing Section 24-2 as follows:

18 (720 ILCS 5/24-2)

19 Sec. 24-2. Exemptions.

20 (a) Subsections 24-1(a)(3), 24-1(a)(4), 24-1(a)(10), and
21 24-1(a)(13) and Section 24-1.6 do not apply to or affect any of
22 the following:

23 (1) Peace officers, and any person summoned by a peace

1 officer to assist in making arrests or preserving the
2 peace, while actually engaged in assisting such officer.

3 (2) Wardens, superintendents and keepers of prisons,
4 penitentiaries, jails and other institutions for the
5 detention of persons accused or convicted of an offense,
6 while in the performance of their official duty, or while
7 commuting between their homes and places of employment.

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

12 (4) Special agents employed by a railroad or a public
13 utility to perform police functions, and guards of armored
14 car companies, while actually engaged in the performance of
15 the duties of their employment or commuting between their
16 homes and places of employment; and watchmen while actually
17 engaged in the performance of the duties of their
18 employment.

19 (5) Persons licensed as private security contractors,
20 private detectives, or private alarm contractors, or
21 employed by an agency certified by the Department of
22 Professional Regulation, if their duties include the
23 carrying of a weapon under the provisions of the Private
24 Detective, Private Alarm, Private Security, Fingerprint
25 Vendor, and Locksmith Act of 2004, while actually engaged
26 in the performance of the duties of their employment or

1 commuting between their homes and places of employment,
2 provided that such commuting is accomplished within one
3 hour from departure from home or place of employment, as
4 the case may be. Persons exempted under this subdivision
5 (a)(5) shall be required to have completed a course of
6 study in firearms handling and training approved and
7 supervised by the Department of Professional Regulation as
8 prescribed by Section 28 of the Private Detective, Private
9 Alarm, Private Security, Fingerprint Vendor, and Locksmith
10 Act of 2004, prior to becoming eligible for this exemption.
11 The Department of Professional Regulation shall provide
12 suitable documentation demonstrating the successful
13 completion of the prescribed firearms training. Such
14 documentation shall be carried at all times when such
15 persons are in possession of a concealable weapon.

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

1 Regulation, consisting of not less than 40 hours of
2 training that includes the theory of law enforcement,
3 liability for acts, and the handling of weapons. A person
4 shall be considered eligible for this exemption if he or
5 she has completed the required 20 hours of training for a
6 security officer and 20 hours of required firearm training,
7 and has been issued a firearm control card by the
8 Department of Professional Regulation. Conditions for the
9 renewal of firearm control cards issued under the
10 provisions of this Section shall be the same as for those
11 cards issued under the provisions of the Private Detective,
12 Private Alarm, Private Security, Fingerprint Vendor, and
13 Locksmith Act of 2004. Such firearm control card shall be
14 carried by the security guard at all times when he or she
15 is in possession of a concealable weapon.

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

21 (8) Persons employed by a financial institution for the
22 protection of other employees and property related to such
23 financial institution, while actually engaged in the
24 performance of their duties, commuting between their homes
25 and places of employment, or traveling between sites or
26 properties owned or operated by such financial

1 institution, provided that any person so employed has
2 successfully completed a course of study, approved by and
3 supervised by the Department of Professional Regulation,
4 consisting of not less than 40 hours of training which
5 includes theory of law enforcement, liability for acts, and
6 the handling of weapons. A person shall be considered to be
7 eligible for this exemption if he or she has completed the
8 required 20 hours of training for a security officer and 20
9 hours of required firearm training, and has been issued a
10 firearm control card by the Department of Professional
11 Regulation. Conditions for renewal of firearm control
12 cards issued under the provisions of this Section shall be
13 the same as for those issued under the provisions of the
14 Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004. Such firearm
16 control card shall be carried by the person so trained at
17 all times when such person is in possession of a
18 concealable weapon. For purposes of this subsection,
19 "financial institution" means a bank, savings and loan
20 association, credit union or company providing armored car
21 services.

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

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

1 (11) Investigators of the Office of the State's
2 Attorneys Appellate Prosecutor authorized by the board of
3 governors of the Office of the State's Attorneys Appellate
4 Prosecutor to carry weapons pursuant to Section 7.06 of the
5 State's Attorneys Appellate Prosecutor's Act.

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

8 (12.5) Probation officers while in the performance of
9 their duties, or while commuting between their homes,
10 places of employment or specific locations that are part of
11 their assigned duties, with the consent of the chief judge
12 of the circuit for which they are employed.

13 (13) Court Security Officers while in the performance
14 of their official duties, or while commuting between their
15 homes and places of employment, with the consent of the
16 Sheriff.

17 (13.5) A person employed as an armed security guard at
18 a nuclear energy, storage, weapons or development site or
19 facility regulated by the Nuclear Regulatory Commission
20 who has completed the background screening and training
21 mandated by the rules and regulations of the Nuclear
22 Regulatory Commission.

23 (14) Manufacture, transportation, or sale of weapons
24 to persons authorized under subdivisions (1) through
25 (13.5) of this subsection to possess those weapons.

26 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section

1 24-1.6 do not apply to or affect any of the following:

2 (1) Members of any club or organization organized for
3 the purpose of practicing shooting at targets upon
4 established target ranges, whether public or private, and
5 patrons of such ranges, while such members or patrons are
6 using their firearms on those target ranges.

7 (2) Duly authorized military or civil organizations
8 while parading, with the special permission of the
9 Governor.

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

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

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

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

20 (1) Peace officers while in performance of their
21 official duties.

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

25 (3) Members of the Armed Services or Reserve Forces of
26 the United States or the Illinois National Guard, while in

1 the performance of their official duty.

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

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

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

24 (6) The manufacture, transport, testing, delivery,
25 transfer or sale, and all lawful commercial or experimental
26 activities necessary thereto, of rifles, shotguns, and

1 weapons made from rifles or shotguns, or ammunition for
2 such rifles, shotguns or weapons, where engaged in by a
3 person operating as a contractor or subcontractor pursuant
4 to a contract or subcontract for the development and supply
5 of such rifles, shotguns, weapons or ammunition to the
6 United States government or any branch of the Armed Forces
7 of the United States, when such activities are necessary
8 and incident to fulfilling the terms of such contract.

9 The exemption granted under this subdivision (c)(6)
10 shall also apply to any authorized agent of any such
11 contractor or subcontractor who is operating within the
12 scope of his employment, where such activities involving
13 such weapon, weapons or ammunition are necessary and
14 incident to fulfilling the terms of such contract.

15 During transportation, any such weapon shall be broken
16 down in a non-functioning state, or not immediately
17 accessible.

18 (7) An active member of a bona fide, nationally
19 recognized military re-enacting group possessing a vintage
20 rifle or modern reproduction thereof with a barrel or
21 barrels less than 16 inches in length for the purpose of
22 using the rifle during historical re-enactments if: (A) the
23 person has been issued a Curios and Relics license from the
24 U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives;
25 or (B) the modification is required and necessary to
26 accurately portray the weapon for historical re-enactment

1 purposes; the re-enactor is in possession of a valid and
2 current re-enacting group membership credential; and the
3 overall length of the weapon as modified is not less than
4 26 inches.

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

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

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

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

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

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

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

26 (3) Laboratories having a department of forensic

1 ballistics, or specializing in the development of
2 ammunition or explosive ordinance.

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

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

1 transportation, those devices shall be detached from any weapon
2 or not immediately accessible.

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

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

19 (g-11) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
20 24-1.6 do not apply to or affect a licensee under the Stun Gun
21 and Taser Concealed Carry Licensing Act, notwithstanding
22 Section 25 of that Act, if the licensee meets the requirements
23 of that Act.

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

1 of proving such an exemption.

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

16 (Source: P.A. 96-7, eff. 4-3-09; 96-230, eff. 1-1-10; 96-742,
17 eff. 8-25-09; 96-1000, eff. 7-2-10; 97-465, eff. 8-22-11.)

18 Section 999. Effective date. This Act takes effect upon
19 becoming law.

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New Act

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