

SB2152



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2152

Introduced 2/10/2011, by Sen. Wm. Sam McCann

SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-2

Amends the Criminal Code of 1961. Provides that certain exemptions from violation of the statute concerning unlawful use of weapons and the statute concerning aggravated unlawful use of a weapon apply to the elected or appointed State's Attorney of a county as well as to a special investigator appointed by the State's Attorney under the Counties Code so long as they successfully complete a course consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons (rather than just to the special investigators). Effective immediately.

LRB097 06428 RLC 46510 b

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)

7 Sec. 24-2. Exemptions.

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

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

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

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

23 (4) Special agents employed by a railroad or a public

1 utility to perform police functions, and guards of armored
2 car companies, while actually engaged in the performance of
3 the duties of their employment or commuting between their
4 homes and places of employment; and watchmen while actually
5 engaged in the performance of the duties of their
6 employment.

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

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

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

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

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

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

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

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

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

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

20 (12) The elected or appointed State's Attorney of a
21 county as well as to a special investigator ~~Special~~
22 ~~investigators~~ appointed by a State's Attorney under
23 Section 3-9005 of the Counties Code so long as they
24 successfully complete a course consisting of not less than
25 40 hours of training that includes the theory of law
26 enforcement, liability for acts, and the handling of

1 weapons.

2 (12.5) Probation officers while in the performance of
3 their duties, or while commuting between their homes,
4 places of employment or specific locations that are part of
5 their assigned duties, with the consent of the chief judge
6 of the circuit for which they are employed.

7 (13) Court Security Officers while in the performance
8 of their official duties, or while commuting between their
9 homes and places of employment, with the consent of the
10 Sheriff.

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

17 (14) Manufacture, transportation, or sale of weapons
18 to persons authorized under subdivisions (1) through
19 (13.5) of this subsection to possess those weapons.

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

22 (1) Members of any club or organization organized for
23 the purpose of practicing shooting at targets upon
24 established target ranges, whether public or private, and
25 patrons of such ranges, while such members or patrons are
26 using their firearms on those target ranges.

1 (2) Duly authorized military or civil organizations
2 while parading, with the special permission of the
3 Governor.

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

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

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

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

14 (1) Peace officers while in performance of their
15 official duties.

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

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

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

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

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

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

1 of the United States, when such activities are necessary
2 and incident to fulfilling the terms of such contract.

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

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

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

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

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

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

25 (1) 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 (2) Bonafide collectors of antique or surplus military
3 ordinance.

4 (3) Laboratories having a department of forensic
5 ballistics, or specializing in the development of
6 ammunition or explosive ordinance.

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

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

1 kind designed, used, or intended for use in silencing the
2 report of any firearm, but only such possession and activities
3 as are within the lawful scope of a licensed manufacturing
4 business described in this subsection (g-5). During
5 transportation, those devices shall be detached from any weapon
6 or not immediately accessible.

7 (g-6) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
8 24-1.6 do not apply to or affect any parole agent or parole
9 supervisor who meets the qualifications and conditions
10 prescribed in Section 3-14-1.5 of the Unified Code of
11 Corrections.

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

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

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

15 (Source: P.A. 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
16 95-885, eff. 1-1-09; 96-7, eff. 4-3-09; 96-230, eff. 1-1-10;
17 96-742, eff. 8-25-09; 96-1000, eff. 7-2-10.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.