

ILLINOIS CONCEAL CARRY LAW & LOCAL GOVERNMENTS

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CONCEALED CARRY LAW

HOW WE GOT HERE

United States Constitution Second Amendment

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

12/11/12: U.S. 7th Circuit Court of Appeals, in the case of *Moorev.Madigan*, ruled that Illinois' concealed carry ban was unconstitutional, and gave the state 180 days to change its laws

❖7/9/13: Illinois House Bill 183 became law allowing the concealed carry of handguns with an approved license beginning in 2014

❖Illinois became the last State in our Union to allow possession and concealed carry of a loaded firearm outside the home

THE RULES

- ❖ United States Constitution
- ❖ Illinois Constitution
- ❖ Illinois Statutes
 - ❖ Concealed Carry Act 430 ILCS 66/1 *Seq et.*
 - ❖ Criminal Code
 - ❖ Unlawful Use of Weapons. 720 ILCS 5/24-1

- ❖ Illinois Administrative Code
 - ❖ Firearm **Concealed Carry** Act 20 Ill. Adm. Code 1231.80

What the Concealed Carry Act Allows

Allows a license holder to :

- ❖ **carry a loaded or unloaded concealed firearm,**
- ❖ **fully concealed or partially concealed,**
- ❖ **on or about his or her person or in a vehicle**

CONCEALED CARRY ACT

Some Definitions

❖ Concealed Firearms

❖ Defined as “a loaded or unloaded handgun carried on or about a person completely or mostly concealed from the view of the public or on or about a person within a vehicle.

❖ Only Handguns

- ❖ Not Stun Guns / Tasers
- ❖ Machine Guns
- ❖ Rifles / Shotguns
- ❖ Paintball Guns



CONCEALED CARRY ACT

Requirements of the Law

- ❖ Must be 21 years old
- ❖ Must have a FOID card
- ❖ Has not be found guilty of a felony or certain misdemeanor offenses in this or any other state
- ❖ Not subject to current prosecution which could lead to a disqualification to possess a weapon
- ❖ Has not been in alcohol or drug treatment in the last 5 years
- ❖ Must complete firearms training and education course
- ❖ **MUST** have a FIREARMS CONCEALED CARRY LICENSE issued by the Illinois State Police
 - ❖ Prior to issuing a license the ISP will conduct a background check
 - ❖ Local law enforcement agencies can object to the applicant receiving a license
 - ❖ License is valid for **5 years**.

- ❖ **Cannot** posses medical marijuana prescription and concealed carry license.

CONCEALED CARRY ACT

Requirements of the Law

❖ A license shall be valid **throughout the State** for a period of 5 years from the date of issuance. 430 ILCS 66/10

❖ Only one **(1)** unloaded or loaded firearm may be carried

The Act states:

- ❖ (1) carry **a** loaded or unloaded concealed firearm, fully concealed or partially concealed, on or about his or her person; and
- ❖ (2) keep or carry **a** loaded or unloaded concealed firearm on or about his or her person within a vehicle.

430 ILCS 66/10



CONCEALED CARRY ACT

PROHIBITED AREAS* 430 ILCS 66/65

There are 23 specifically prohibited areas

- ❖ Public or private school, college, university, preschool or daycare facility
- ❖ **Government building**, courthouse, prison, jail or detention facility
- ❖ Hospital, mental health facility or nursing home
- ❖ Public transportation including airports
- ❖ Public gathering or special event on public property that requires a permit or has been issued a liquor license
- ❖ Qualifying liquor establishment
- ❖ Public playground or municipal/park district park
- ❖ Licensed gaming facility
- ❖ Stadium or arena for college or professional sports
- ❖ Library, amusement park,
- ❖ Zoo or museum
- ❖ Nuclear facility or place where firearms are prohibited under federal law
- ❖ Private property where the owner has chosen not to allow it (and has posted an appropriate sign)

* These are some but not all of the prohibited areas

CONCEALED CARRY ACT

Parking Lots

Parking lots

- ❖ Different lots have different restrictions for concealed carry
 - ❖ Allowable Parking Lots
 - ❖ Partially Prohibited Parking Lots
 - ❖ Completely Prohibited Lots

CONCEALED CARRY ACT

Parking Lots

- Any area without a “no concealed carry sign”
 - All prohibited areas must post signs



- Any parking area not specifically included as a “prohibited area” in the FCCA.
- Certain buildings are prohibited area, but not the parking area.
 - Courthouse
 - Building under the control of unit of local government
 - Public playground
 - Public park

CONCEALED CARRY ACT

Requirements of the Law

- Where the property is a prohibited area *and* parking area is specifically listed, a licensee may carry concealed while in his or her vehicle and while in the vehicle's immediate area for the sole purpose of legally transferring the firearm to or from the trunk of the vehicle.
 - School
 - Capital
 - Detention Facility
 - Hospital
 - Public Transportation
 - Airport
 - Amusement Park
 - Gaming Facility
 - Sport Stadium
 - Library
 - Qualifying Liquor Establishment

CONCEALED CARRY ACT

Requirements of the Law

- ❖ **Concealed carry is prohibited at any establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol**
- ❖ **Owner of establishment who knowingly fails to prohibit concealed firearms is subject to penalty under Liquor Control Act**
- **Package liquor stores exempt if no service**

CONCEALED CARRY ACT

Requirements of the Law

- **“Signs stating that the carrying of firearms is prohibited shall be clearly and conspicuously posted at the entrance of a building, premises, or real property specified...as a prohibited area, unless building is a private residence.”**
- **Such signage “shall be of a uniform design as established by the Department and shall be 4 inches by 6 inches in size. The Department shall adopt rules for standardized signs to be used under this subsection.”**
- **Affirmative duty to post**

CONCEALED CARRY ACT

Requirements of the Law

- **Signs must be clearly and conspicuously posted at entrance of building, premises or real property specified as prohibited area.**
- **Where do you post at outdoor special events?**
 - **Parade Routes**
 - **Marathons**
 - **Other outdoor areas**
- **What happens if you don't post a sign?**
 - **No penalty in statute**



CONCEALED CARRY ACT

IMPACT ON LOCAL GOVERNMENTS AND MUNICIPALITIES

POWERS

- ❖ Home Rule Pre-Empted
 - ❖ No ability to prohibit nor expand Firearms Concealed Carry Act locally
 - ❖ Local Government had 11 days to ban Assault Weapons, if desired
 - ❖ No ability to control after July 20, 2013
 - ❖ Chicago, Cook County, and several other municipalities have banned assault weapons

CONCEALED CARRY ACT

IMPACT ON LOCAL GOVERNMENTS AND MUNICIPALITIES

- ❖ Law Enforcement Objection
- ❖ Employees
 - ❖ Policy Decision
 - ❖ Possible liability
 - ❖ Employment Policy