

# CONCEALED CARRY IN ILLINOIS

*Arming Yourself with Information*

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# What you **NEED** to know

Because Illinois is the last state to have a concealed carry law on the books, there is tremendous anticipation by the public to carry, but confusion remains over the timetables and procedures included in the new concealed carry law.

The information we provide will help assist you in understanding how concealed carry works in Illinois and what to expect as the State Police begin to implement the new law.



# How will Illinois State Police and Local Law Enforcement Respond to Citizens who are carrying weapons?

- The ISP will continue to enforce the law in effect. Citizens cannot lawfully carry concealed weapons without a valid Illinois Concealed Carry License. Citizens who carry firearms without a Concealed Carry License issued by the ISP are subject to arrest. All Illinois residents seeking to obtain a Concealed Carry License must have a valid Firearm Owner's Identification (FOID) card. Out-of-state residents are exempt from the FOID card requirement.

# HB 183 Concealed Carry Overview

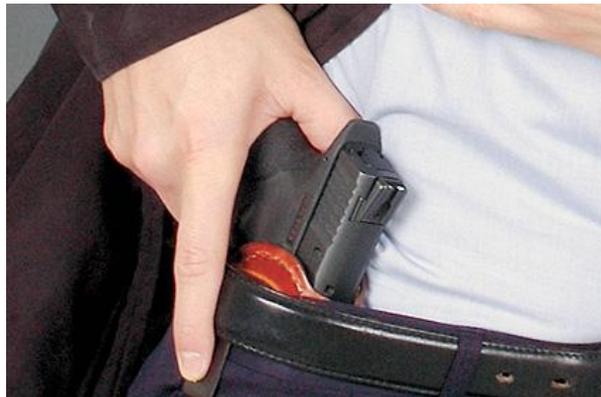
- Passed Senate 45-12-1 and House 89-28-0. Enacted into law as Public Act 98-63 on July 9, 2013 after Governor Quinn's amendatory veto was overridden 77-31-0 in the House and 41-17-0 in the Senate.
- Creates statewide shall-issue licensing standard.
- With regard to FOID Card holders and concealed carry licensees, strictly preempts authority of local governments to regulate handguns and ammunition for handguns, including licensing, possession, registration and transportation.
- With regard to FOID Card holders, preempts authority of local governments to regulate transportation of any firearms or ammunition.
- Not preempted: (1) Municipal assault weapons bans ("AWB") enacted prior to or within 10 days after enactment of this legislation—other AWB's would be preempted; and (2) Local regulations imposing registration or restrictions on acquisition, possession and transfer of firearms other than handguns.
- Grants licensee broad right to carry in a vehicle, including within a vehicle in the parking lot of a prohibited area.

# HB 183 Concealed Carry Overview

- License to be issued by State Police, with applications to be made available within 180 days after the effective date.
- \$150 Fee; authorizes ISP to charge additional fee for conducting criminal history records check of fingerprints, not to exceed the actual cost (approx. \$30).
- 5-year license.
- 16 hours of training (Including Live Fire Exercise): Courses to be approved and instructors certified by ISP starting 60 days after effective date.
  - Up to 8 hours of approved training previously completed by the applicant, or training received in the military by active, retired, or honorably discharged personnel counts toward the training requirement. Renewal application requires 3 hours of training, plus re-qualification on the firing range.
- Carrying prohibited on public transportation, in government buildings, schools, playgrounds, municipal parks, bars (those that derive more than 50% of gross receipts from alcohol sales), prisons, airports, and in other areas defined in this legislation.
- Owners of private property may prohibit the carrying of firearms on their property, subject to the parking lot “safe harbor” provision.

# HB 183 Concealed Carry Overview

- Allows law enforcement to object to an application on basis of “danger to self or others, or threat to public safety,” which triggers review by Concealed Carry Licensing Board (created by this legislation).
- Denial of application by Concealed Carry Licensing Board is subject to judicial review.
- Application to be processed within 90 days (unless subject to review by Concealed Carry Licensing Board).
  - ISP would be allowed an additional 30 days to process the application if the applicant does not submit a set of fingerprints.



# Qualifications for Concealed Carry License

- At least 21 years of age.
- Has a currently valid FOID Card, or meets the requirements for the issuance of a FOID Card and is not prohibited by law from possessing or receiving a firearm.
- Has not been convicted or found guilty in this State or in any other state of:
  - A misdemeanor involving the use or threat of physical force or violence to any person within the 5 years preceding the date of the license application.
  - Two or more DUI violations within the 5 years preceding the date of the license application.
  - Is not the subject of a pending arrest warrant, prosecution, or proceeding for an offense or action that could lead to disqualification to own or possess a firearm.
  - Has not been in residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment within the 5 years immediately preceding the date of the license application.
- Has completed firearms training and education component required by this legislation.
- Fingerprints are optional, but ISP can take an additional 30 days to process application if no fingerprints are submitted.

# Concealed Carry License Fees

- New License: \$150 for 5 years.
- ISP authorized to charge additional fee for conducting criminal history records check of fingerprints, not to exceed the actual cost (currently \$31.50).
- Renewal: \$150.
- Replace Lost or Stolen License, or Change of Address: \$75.
- Nonresident License: \$300 for 5 years.



# Training Requirements

- Applicants must complete 16 hours of training, including firearm safety, principles of marksmanship, care and cleaning of firearms, and instruction on lawful and appropriate interaction with law enforcement while carrying or transporting a firearm.
- Training requirement shall include live fire exercise of at least 30 rounds fired at a B-27 target from specified distances with at least 70% accuracy.
- Up to 8 hours of approved training previously completed by the applicant. Training received in the military by active, retired, or honorably discharged U.S. Armed Services member counts toward the training requirement. Renewal application requires 3 hours of training, plus re-qualification on the firing range.
- Courses to be approved and instructors certified by ISP starting 60 days after effective date.



# Non-Residents

- No reciprocity or recognition of licenses or permits issued by other states.
- Qualified applicants from any state or territory of the United States with laws related to firearm ownership, possession, and carrying, that are substantially similar to the requirements to obtain a license under this Act shall be issued licenses.
- \$300 Fee.
- Nonresident non-licensee with right to carry in home state may carry within a vehicle in Illinois.



# Prohibited Areas

- Property under the control of an elementary or secondary school.
- Property under the control of a pre-school or childcare facility.
- Property under the control of an officer of the executive or legislative branch of government (with exception for DNR-regulated areas where carrying firearms is allowed).
- Colleges and Universities.
- Courthouses.
- Libraries.
- Airports.
- Gaming facilities.
- Stadiums, arenas, sporting events.
- Amusement parks.
- Museums and zoos.
- Buildings under the control of a unit of local government.
- Property under the control of an adult or juvenile detention or correctional institution, prison, or jail.
- Property under the control of an adult or juvenile detention or correctional institution, prison, or jail.
- Property under the control of a public or private hospital, mental health facility, or nursing home.
- Public transportation (buses, trains, and stations).
- Property under the control of an establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts come from the sale of alcohol.
- Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government (with exception for a licensee who must walk through a public gathering in order to access his or her residence, place of business, or vehicle).
- Any building or real property that has been issued a Special Event liquor license during the time designated for the sale of alcohol by the special event liquor license.
- Public playgrounds.
- Any area where firearms are prohibited under federal law.
- Nuclear facilities.

# Prohibited Areas: Colleges & Universities

- Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization property, and any real property, including parking areas, sidewalks, and common areas under control of a public or private community college, college, or university.
- Nothing in this Act shall prohibit a public or private community college, college, or university from:
  1. prohibiting persons from carrying a firearm within a vehicle owned, leased, or controlled by the college or university;
  2. developing resolutions, regulations, or policies regarding student, employee, or visitor misconduct and discipline, including suspension and expulsion;
  3. developing resolutions, regulations, or policies regarding the storage or maintenance of firearms, which must include designated areas where persons can park vehicles that carry firearms; and
  4. permitting the carrying or use of firearms for the purpose of instruction and curriculum of officially recognized programs, including but not limited to military science and law enforcement training programs, or in any designated area used for hunting purposes or target shooting.



# Posting Requirements & Safe Harbors

## **Private Property Owners**

- Owners of private property may prohibit the carrying of firearms on their property, subject to the parking lot exception (see next slide).

## **Signs Notifying Licensees of Prohibited Areas**

- Prohibited areas and private property designated by the owner (except private residences) as a no-carry zone must post 4"x6" signs clearly and conspicuously at the entrance of the property to notify licensees that the carrying of concealed firearms is prohibited on the premises.

## **Pass-Through Provisions**

- A licensee shall not be in violation of a prohibited area while he or she is traveling along a public right of way that touches or crosses any prohibited area if the concealed firearm is carried on his or her person in accordance with the provisions of this legislation or is being transported in a vehicle by the licensee in accordance with all other applicable provisions of law.

# Prohibited Area Exception

## Parking Lot Exception

- A licensee prohibited from carrying a concealed firearm into the parking area of a prohibited location (except a nuclear facility or area prohibited by federal law) shall be permitted to carry a concealed firearm on or about his or her person within a vehicle into the parking area and may store a firearm or ammunition concealed in a case out of plain view within a locked vehicle or locked container within the vehicle in the parking area. A "case" includes a glove compartment or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other similar container.
- A licensee may carry a concealed firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle.

# Carrying Under the Influence

- Carrying a firearm while under the influence of alcohol or drugs is prohibited and subject to criminal penalties.
- Intoxication will be determined by same standards as under the DUI provisions of the Vehicle Code (.08 blood alcohol content).
- Class A misdemeanor for first or second offense.
- Class 4 felony & license revocation for third offense.

# Duty to Inform

- Provides that, if a law enforcement officer initiates an investigative stop of a licensee who is carrying a concealed firearm, upon the request of the officer the licensee shall disclose to the officer that he or she is in possession of a concealed firearm, present the license upon the request of the officer, and identify the location of the concealed firearm.



# Penalties for Violations

- Carrying under the influence will be a Class A misdemeanor for a first or second offense, and a Class 4 felony (1-3 years in DOC or up to 2.5 years of probation) for a third offense.
- Failing to inform an officer upon request that the licensee is carrying a firearm, or violating a prohibited area will each be punishable as a Class B misdemeanor (up to 6 months in jail or 2 years of probation, plus a fine up to \$1,500 and an additional \$150 fee).
- Second or subsequent violation is a Class A misdemeanor (under 1 year in jail or 2 years of probation, plus a fine up to \$2,500 and an additional \$150 fee).
- The owner of an establishment serving alcohol who derives more than 50% of gross receipts from alcohol sales, but knowingly fails to prohibit the carrying of firearms, or who knowingly makes a false statement or record to avoid the prohibition on the carrying of firearms is guilty of a business offense under the Liquor Control Act, with a fine up to \$5,000 (discretionary with the Liquor Control Board).

## **Suspension or Revocation**

- Provides for suspension of a license (up to 6 months) for a second violation, and permanent revocation for 3 or more violations.

# Concealed Carry Licensing Board

- 7 members, appointed by the Governor and coinciding with his/her term.
- No more than 4 members from same political party.
- Geographic diversity: 3 commissioners from 1<sup>st</sup> Supreme Court District (Cook County); 1 commissioner from each of the other 4 Districts.
- Majority vote required to find applicant eligible or ineligible, or to request additional information from the applicant or law enforcement.
- Considers applications only when:
  - Law enforcement has objected to the applicant.
  - Where the applicant has 5 or more arrests for any reason, that have been entered into the Criminal History Records Information (CHRI) system, within the 7 years preceding the date of application for a license, or has 3 or more arrests within the 7 years preceding the date of application for a license for any combination of “gang-related offenses” (defined in the bill with reference to specific Criminal Code offenses).
- If the Board determines by a preponderance of the evidence that the applicant poses a danger to himself or herself, others, or a threat to public safety, the Board shall find the applicant ineligible for a license; if not, the applicant is eligible.
  - “Preponderance of the evidence” means that the proposition has been shown to be more likely true than not true. This is the standard of proof required to be met by the plaintiff in most civil cases.

# Privacy: FOIA and Open Meetings Act

- Applicant and Licensee information is not subject to FOIA. Concealed Carry Licensing Board proceedings are not subject to Open Meetings Act (but records of proceedings must be kept in the event of administrative or judicial review).



# Mental Health Reporting

- Clarifies existing duties of health professionals, courts, school personnel, law enforcement, DHS, and ISP to identify and report information regarding disqualifying mental health conditions, orders of protection, and other firearm prohibits, and to ensure that prohibited persons do not possess FOID Cards or firearms.



# Consolidation of Cards

## Conferring Firearms Privileges

- Provides that new applicants for a carry license need not have a valid FOID Card (but still must qualify for one). For such an individual, the carry license shall serve as his or her FOID Card. The intent is to eventually transition to a single card with separate designations for (1) firearm possession and purchasing privileges (like the FOID Card) and (2) concealed carry licensees under this Act.
- After the effective date, a person who wishes to possess and/or purchase firearms and ammunition, but does not wish to carry a concealed firearm, would still be able to receive a regular 10-year FOID Card at a cost of \$10, and would not be required to apply for a concealed carry permit.
- The bill also creates a 9-member Task Force to study consolidating the FOID Card and Concealed Carry License into a designation on an Illinois driver's license or State ID. The four legislative caucus leaders will each appoint one member; one member each will be appointed by the Director of ISP and the Secretary of State, and the Governor will appoint one member representing the Department of Natural Resources and another representing the Chicago Police Department; additionally the Secretary of State will appoint one member representing the NRA.

# Preemption of Local Government Regulation of Firearms

- Current law allows local governments to pass ordinances restricting firearm possession to a greater degree than State law. The FOID Card provides that “[t]he provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act.”
- HB 183 will curtail local governments’ power to regulate firearms in the following respects...

# Preemption of Local Government Regulation of Firearms

## **Preemption of local regulation of handguns under the Firearm Concealed Carry Act:**

1. Provides that “[t]he regulation, licensing, possession, registration, and transportation of handguns and ammunition for handguns by licensees are exclusive powers and functions of the State. Any ordinance or regulation, or portion thereof, enacted on or before the effective date of this Act that purports to impose regulations or restrictions on licensees or handguns and ammunition for handguns in a manner inconsistent with this Act shall be invalid in its application to licensees under this Act on the effective date of this Act.”

## **Preemption of local regulation of handguns under the FOID Card Act:**

2. Provides that “[t]he regulation, licensing, possession, and registration of handguns and ammunition for a handgun, and the transportation of any firearm and ammunition by a holder of a valid FOID Card issued by the . . . State Police under this Act are exclusive powers and functions of this State. Any ordinance or regulation . . . enacted on or before the effective date of this amendatory Act . . . that purports to impose regulations or restrictions on a holder of a valid FOID Card issued by the . . . State Police . . . in a manner that is inconsistent with this Act, on the effective date of this amendatory Act of the 98th General Assembly, shall be invalid in its application to a holder of a valid FOID Card issued by the . . . State Police under this Act.”

## **Preemption of assault weapons bans, with “grandfather” clause for AWB’s enacted within 10 days of the bill’s effective date:**

3. Provides that “the regulation of the possession or ownership of assault weapons are exclusive powers and functions of this State. Any ordinance or regulation, or portion of that ordinance or regulation, that purports to regulate the possession or ownership of assault weapons in a manner that is inconsistent with this Act, shall be invalid unless the ordinance or regulation is enacted on, before, or within 10 days after the effective date of this amendatory Act of the 98th General Assembly. Any ordinance or regulation . . . enacted more than 10 days after the effective date of this amendatory Act of the 98th General Assembly is invalid. An ordinance enacted on, before, or within 10 days after the effective date . . . may be amended.”

# Implementation Timeline

- On September 7, 2013, the ISP will begin approval of certified firearms instructors and firearm training courses. A registry of approved instructors and courses will be available on the ISP webpage.
- The ISP will make applications available to the public by January 5, 2014. The ISP intends to have applications available via the ISP webpage.



Illinois State Police. "Concealed Carry Frequently Asked Questions." <http://www.isp.state.il.us/firearms/ccw/ccw-faq.cfm>.

s." Illinois State Police. 15 July 2013.

# What can you do to stay informed?

1. Sign up for our status updates via email
  2. Visit my website at [www.jiltracy.com](http://www.jiltracy.com)
  3. Visit the Illinois State Police website frequently asked questions page.  
<http://www.isp.state.il.us/firearms/ccw/ccw-faq.cfm>
1. Visit [www.thecaucusblog.com](http://www.thecaucusblog.com)