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News & Types: Client Advisories

Illinois Legalizes the Possession of a Concealed Handgun

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Practices: Employment, Labor & Benefits

Executive Summary

On July 9, 2013, Public Act 98-63, The Firearm Concealed Carry Act (the "Act") became law. With its passage, Illinois became the last state to authorize the carrying of a loaded or unloaded concealed handgun by a properly licensed private person. Because the Illinois State Police ("ISP") department is charged with developing the actual application for a concealed carry license, approving certified firearms instructors and firearm training courses, and developing the necessary administrative rules necessary to support the Act, the ISP will make the license applications available to the public by January 5, 2014. Therefore, as a result of the need to first develop the infrastructure to support the Act, it is still illegal for a person to carry a concealed handgun in Illinois until early 2014.

What Does The Act Allow?

The Act allows a properly licensed individual to (1) carry a loaded or unloaded, fully or partially concealed handgun on or about his person and (2) keep or carry a loaded or unloaded handgun on or about his or her person within a vehicle. Under the Act, a "handgun" means *"any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand."* The definition of "handgun" does not include stun guns, tasers, machine guns or short-barreled rifles or shotguns, or any pneumatic, spring, paintball or B-B guns with certain projectile diameters and muzzle velocities. A concealed firearm means *"a loaded or unloaded handgun carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle."*

What Are The Requirements for a Concealed Carry License?

- Be at least 21 years of age, have a valid FOID card (if an Illinois resident),
- Have not been convicted or found guilty in Illinois or any other state of:
  - A misdemeanor involving the use or threat of physical force or violence to any person within the last 5 years
  - 2 or more violations related to driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination thereof, within the last 5 years
- Not be the subject of a pending arrest warrant, prosecution, or proceeding for an offense or action that could lead to disqualification,

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- Not have been in residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment within the last 5 years,
- Submit an appropriately completed Concealed Carry License application,
- Successfully complete 16 hours of firearms training, including classroom and range instruction, and
- Submit the application fee ($150 Illinois residents or $300 out-of-state residents).

Once the ISP receives a complete application, the ISP will generally issue or deny the application within 90 days. The ISP background check will include: a search of the National Instant Criminal Background Check system of the F.B.I., state and local criminal history files (including juvenile records), federal, state and local records of wanted persons, domestic violence restraining and protective orders, mental health records and all other available federal, state or local records in any jurisdiction that are likely to contain information that would prohibit the applicant from purchasing, possessing or carrying a firearm.

Are There Any Prohibited Areas?

A licensee shall not knowingly carry a firearm on or into the following areas: any building, real property and/or parking area of any preschool, elementary or secondary school; any building under the control of the executive or legislative branch of government; any courthouse; any building under the control of local government; correctional institution, prison or jail; hospital, mental health facility or nursing home; any bus, train or form of public transportation paid in whole or part with public funds; any establishment that serves alcohol if more than 50% of the establishment's gross receipts within the prior three months is from the sale of alcohol; public events; public playgrounds; public parks; athletic areas or athletic facilities; Cook Country Forest Preserve; riverboats and racetracks; collegiate or professional sporting events; libraries; airports; amusement parks; zoos; museums; nuclear facilities and other areas prohibited by federal law.

Can I Prohibit Concealed Handguns In My Company Facilities?

Yes. The owner of private real property may prohibit the carrying of concealed firearms on property under his or her control. To do so, the company must post a sign stating that the carrying of firearms is prohibited on the premises. The sign must be clearly and conspicuously posted at the entrance of a building, premise or real property. The sign must be 4 inches by 6 inches in size and must be of a uniform design that is still to be established by the ISP.

Can I Prohibit Concealed Handguns In My Parking Lot?

No. With the exception of the prohibited areas summarized above, a properly licensed person is permitted to (1) carry a concealed firearm on or about his person within a vehicle into the parking area and (2) store a firearm or ammunition concealed in a case within a locked vehicle or locked in a container out of plain view within the vehicle in the parking area. The Act defines a "case" to include a glove compartment, console that completely encloses the firearm or ammunition, firearm carrying box, shipping box or other container. In addition, 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 purposes of storing or retrieving a firearm within the vehicle's trunk, providing the licensee ensures the firearm is unloaded prior to exiting the vehicle.

What Should Employers Do Now?

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In the near term, employers should review their employee handbooks in order to ensure that any existing "weapons in the workplace" policy is updated in order to comply with the new law or consider developing such a policy. Additionally, once the ISP develops the uniform sign that prohibits the carrying of concealed firearms, employers should be prepared to post the sign. As additional information becomes known, we will supplement this information.

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