

Concealed Carry Law in Illinois

An Overview of the New Legislation

TOPICS OF DISCUSSION

- Definitions
- What the Concealed Carry Law allows
- Application process
- License – qualification
- License – issuance
- Duties of a licensee carrying a firearm
- Prohibited areas / Posting signs
- Penalties
- Suspension and/or revocation of license
- Question & Comments

Definitions

- Concealed firearm: a loaded or unloaded **handgun** carried on or about a person **completely concealed or mostly concealed** from view of the public or on or about a person within a vehicle.
- Handgun: 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**.
- Department: the Department of **State Police**.

What the Concealed Carry Law Allows

- To carry a loaded or unloaded firearm, fully concealed or partially concealed on or about your person.
- To keep or carry a loaded or unloaded firearm on or about your person within a vehicle.

The Application Process

- The Firearms Concealed Carry Act became law on July 9th, 2013.
- ISP plans to begin accepting applications on January 5th, 2014.
- License to be issued within 90 days of application being submitted.
- Local law enforcement agencies have 30 days to file an objection.
- Submission of fingerprints
- Comprehensive criminal background check
- A recent color, head and shoulder photo of applicant.
- A photocopy of certificate or other evidence that training requirements have been met.

Qualifications

(Section 25)

- At least 21 years of age
- Has a currently valid FOID card
- Submit a completed Concealed Carry License Application.
- Successfully complete 16 hours of firearms training, including classroom and range instruction.
- Successfully pass the criminal background check.
- Not the subject of a pending arrest warrant.

Disqualifications

(Section 25)

- Cannot have been **convicted or found guilty** of a misdemeanor involving the use or threat of physical force or violence to any person (in this State or in any other).
- Cannot have been **convicted of two or more violations related to driving while under the influence of alcohol, other drug or drugs, within the past five years preceding the date of the permit application.**
- Cannot have 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.**

Issuance of License

(Section 10)

- A license shall be issued to an applicant who:
 - ✓ Meets the qualifications of the Act.
 - ✓ Has provided the application and supporting documents required.
 - ✓ Has submitted the requisite \$150 fee
 - ✓ Does not pose a danger to himself, herself or others, or is a threat to public safety.

- License is valid for 5 years from the date of issuance.

Issuance of License

(Section 15)

(Continued)

- Objections by Law Enforcement Agencies
 - ✓ Any law enforcement agency may submit an objection to a license applicant based upon a reasonable suspicion that the **applicant is a danger to himself, herself or others, or a threat to public safety.**

Duties of a Licensee

- Must be in possession of his/her current and valid state issued license.
- Must be in possession of a current and valid FOID card.
- Must keep the firearm **completely or almost completely concealed from public view**.
- Shall not carry a concealed firearm when under the influence of alcohol or drugs according to the standards set by the IVC.
- Shall not carry a concealed firearm into or onto any property where doing so is prohibited by this Act.

Prohibited Areas

(Section 65)

- A licensee shall not knowingly carry a firearm on or into any building, real property, and parking area under the control of:
 1. A public or private elementary or secondary **school**.
 2. A pre-school or **child care facility**, including any room or portion of a building under the control of a pre-school or child care facility.
 3. **An office of the executive or legislative branch of government**, except licensees may carry a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area or building where firearm possession is permitted.

Prohibited Areas

(Section 65)

(continued)

4. An adult or juvenile detention or correctional institution, **prison or jail**.
5. A public or private **hospital** or hospital affiliate, mental health facility or **nursing home**.
6. **An establishment that serves alcohol on its premises**, if more than 50% of the establishment's gross receipts within the prior three months is from the sale of alcohol.
7. A **gaming facility** licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975 including an inter-track wagering location licensee.

Prohibited Areas

(Section 65)

(continued)

- A licensee shall not knowingly carry a firearm on or into any:
 8. **Public library**, airport, amusement park, zoo or museum.
 9. Public playground, public park, athletic area, or athletic facility under the control of a park district.
 10. Cook County Forest Preserve District property.
 11. Building, classroom, athletic venue, entertainment venue, parking area, common area, etc. of an public or private community college, college, or university.

Prohibited Areas

(Section 65))

(Continued)

12. Circuit Court, Appellate Court or Supreme Court buildings.
13. Buildings under the control of **local government**.
14. Special events or public gatherings conducted on property open to the public and requires the issuance of a permit from unit of local government.
15. Stadium, arena or real property under the control of a stadium or arena.
16. Bus, train or other form of public transportation or any real property under the control of a public transportation facility.

Prohibited Areas

(Section 65)

(Continued)

17. Any real property owned or controlled by a nuclear energy, storage, weapons, or development site.
18. Any area where firearms are prohibited by federal law.
19. Any building or real property that has been issued a special event or special use permit during the time designated for the sale of alcohol at that location.

Posting of Signs

(Section 65)

- The owner of any privately owned real property (of any type) **may prohibit the carrying of concealed firearms** on the property under his/her control.
- The owner must post a sign indicating that firearms are prohibited on the property, unless that property is a private residence.
- Signs shall be of a uniform design as established by the Department and shall be 4" x 6" in size.

Penalties

(Section 70)

- A licensee in violation of this Act shall be guilty of a **Class B misdemeanor**.
- A second or subsequent violation is a **Class A misdemeanor**.
- A licensee in violation of subsection (d) (*carrying while under the influence*) shall be guilty of a Class A misdemeanor for a first or second violation and a Class 4 felony for a third violation.
- Any person convicted of a violation under this Section shall pay a **\$150 fee** to be deposited into the Mental Health Reporting Fund
- A licensee whose license is revoked, suspended, or denied shall, within 48 hours of receiving notice of the revocation, suspension, or denial surrender his or her concealed carry license to the local law enforcement agency where the person resides.

Suspension and Revocation

(Section 70)

- A license shall be suspended if an order of protection, including an emergency order of protection, plenary order of protection or interim order of protection is issued against a licensee for the duration of the order, or if the Department is made aware of a similar order issued against the licensee in any other jurisdiction.
- A license issued or renewed shall be revoked if, at any time, the licensee is found to be ineligible for a license under this Act or the licensee no longer meets the eligibility requirements of the FOID Card Act.

In Closing

- The information just reviewed is not all inclusive.
- To review the statute in its entirety, see
430 ILCS 66
- Similar information about the concealed carry law can be found on the Illinois State Police Website.
(<http://www.isp.state.il.us/firearms/ccw/ccw-faq.cfm>)

Questions and Comments



**Pursuant to
430 ILCS 66/65**