

ILLINOIS CONCEALED CARRY

(P.A. 98-0063)



A Summary of Illinois' Right to Carry Law
SENATE REPUBLICAN CAUCUS

This is provided as a public service to provide a summary of Illinois' Concealed Carry Law as enacted by P.A. 98-0063. It is not intended to provide legal advice or as a guide to compliance with the law. You should consult an attorney for legal advice. You should contact the Illinois State Police for forms and other guidance on complying with the law and/or applying for a concealed carry permit.

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Summary of Illinois Firearm Concealed Carry Act

Key Definitions

Concealed Firearm: 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. No “open carry.”

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.

Handgun does not include:

- A stun gun or taser
- A machine gun
- A short barreled rifle or shotgun
- Any pneumatic gun, spring gun, paint ball gun or B-B gun that expels a single globular projectile not exceeding .18 inch in diameter, or which has a maximum muzzle velocity of less than 700 feet per second, or which expels breakable paint balls containing washable marking colors.

Rulemaking

Department of State Police granted authority to adopt rules to implement the Act.

Illinois is a “shall issue” state

The Department of State Police shall issue a license to carry a concealed firearm to applicants.

Applicants:

- Must meet qualifications

- Must provide an application and documentation required under the Act
- Must pay the required fees
- Cannot pose a danger to himself, herself or others, or a threat to public safety as determined by the Concealed Carry Licensing Review Board.

Exceptions to Requirement for a License:

- When on your own property, home or place of business. When invited onto the land or into the home of another person and the owner has granted permission to carry;
- When authorized under Section 24-2 of the Criminal Code (which generally covers police, military, prison guards and security guards licensed to carry a firearm);
- When the handgun is broken down in a non-functioning state, is not immediately accessible, or is unloaded and enclosed in a case.

“Early” Concealed Carry can Result in Arrest

Citizens cannot lawfully carry concealed weapons without a valid Illinois Concealed Carry License.

The State Police will enforce the law, which means that citizens who carry firearms without an Illinois Concealed Carry License are subject to arrest.

License

License valid for five years.

License allows persons to carry a loaded or unloaded firearm, fully concealed or partially concealed, on or about his or her person. Also allows the license holder to keep or carry a loaded or unloaded concealed firearm on or about his or her person within a vehicle.

Renewals valid for five years. Three hours of training required.

Lost licenses – must notify the State Police within 10 days of discovering that the license has been lost, destroyed or stolen.

Change of Address – must notify the State Police within 30 days of a change of address or change of name.

Fees (Funds)

\$150 application fee

- \$120 to the State Police Firearm Services Fund;
- \$20 to the Mental Health Reporting Fund; and
- \$10 to the State Crime Laboratory Fund.

\$300 for non-residents

Replacement license, change of address or change of name: \$75

State Police Firearm Services Fund used to cover the cost of administering and enforcing Concealed Carry and FOID card laws.

Mental Health Reporting Fund used to cover the cost of collecting and reporting mental health data

Qualifications

Must be at least age 21.

Must have a valid FOID Card or qualify for receiving a FOID Card.

Cannot be prohibited under the FOID Act or federal law, from possessing or receiving a firearm.

Has completed the firearms training and education requirements.

Has not been found guilty of:

- A misdemeanor involving the threat of force or violence to anyone within five years of the application;
- Two or more offenses involving driving under the influence of drugs or alcohol within five years of the application;
- Is not the subject of a pending arrest warrant, prosecution or proceeding for any offense that would disqualify the applicant;
- Has not been in any residential or court-ordered alcohol or drug-treatment program within five years.

Training

In September the Department of State Police began approval of training courses and instructors.

Sixteen hours of training covering:

- Firearm safety;
- Principles of marksmanship;
- Care, cleaning, loading and unloading of a concealable firearm;
- Applicable state and federal laws relating to ownership, storage, carry and transport of a firearm;
- Appropriate interaction with law enforcement while carrying a concealed firearm.

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Proof of passing a live fire exercise including a minimum of 30 rounds, with 10 rounds from five yards; 10 rounds from seven yards and 10 rounds from 10 yards, using a B-27 silhouette target approved by the State Police. (Must hit the target with 70% of the rounds fired); Renewals require a three hour training course;

Instructors must maintain records of each student's performance for five years;

Up to eight hours of previous training can be recognized toward the 16-hours if the training is approved by the State Police and recognized by another state.

Remaining eight hours of training must still cover the above topics and the above range exercises;

Exemption for active law enforcement, certified firearms instructors and those holding a firearm control card issued by the Dept. of Financial and Professional Regulation;

Active, retired or honorable discharged military receive credit for eight hours of training.

Instructors

Approval process began September 7.

Within the first month more than 860 instructor applications had been approved. The process is ongoing and there is no limit or restriction on the number of instructors that may be approved. A list of approved instructors is available on the Illinois State Police website:
www.isp.state.il.us/firearms/ccw/

All instructors must use an approved training curriculum. Beginning Sept. 30,

the Illinois State Police began posting a list of approved curricula. The list is available at: <http://www.isp.state.il.us/firearms/ccw/CCWApprovedCurriculum.pdf>

Must be at least 21 years of age

A Legal resident of the United States and qualified for a Concealed Carry License in Illinois.

Have a high school diploma or GED certificate.

Have at least one of the following valid firearms instructor certifications:

- Certification from a law enforcement agency
- Certification from a firearm instructor course offered by a state or federal governmental agency
- Certification from a firearm instructor course offered by the Illinois Law Enforcement Training and Standards Board
- Certification from an entity approved by the Illinois State Police that offers firearm instructor education and training in the use and safety of firearms

The State Police will post information about the rule making process for instructors as the information becomes available

Database of Applicants

The Department of State Police will maintain a database of all license applicants and license holders. The database is to be shared with other law enforcement and judicial authorities. Database must be operational within 180 days of July 9.

Applications

Applications must be made available beginning Jan. 5, 2014 (180 days after the bill became law)

State Police plan to make applications available on their web site.

Department of State Police has 90 days after an application is received to either issue the permit or deny a permit to the applicant.

Anyone denied a permit, must receive notice stating the grounds for denial. Anyone denied a permit has a right to appeal through administrative and judicial review.

The permit must be carried on the person at all times if the licensee is carrying a concealed firearm.

Application will require name, address, birth date and year, place of birth, height, weight, hair color, eye color, maiden name or any other name the applicant has used or may be identified with, any address where the applicant lived for more than 30 days over the past 10 years.

Applicants must provide driver's License or state ID card number.

Applicants must waive all confidentiality rights that might prevent the Department of State Police from obtaining information from juvenile court, criminal court, psychological or psychiatric records or any other records relating to any institutionalization of the applicant.

Applicants must certify they have not been found guilty of any felony or any disqualifying misdemeanor (Threat of violence or two or more drug or alcohol-related driving offenses).

Applicants must disclose if they have failed a drug test within the previous year.

Applicants must provide a full set of fingerprints. Alternatively, the Department of State Police will be granted an additional 30 days (120 days total) to review the application. State Police may charge an additional fee to process applications that include fingerprints.

A head and shoulders color photograph taken within 30 days before the license application. (Size to be specified by the Dept. of State Police)

A copy of any certificate or other evidence of completion of training.

Mental Health Provisions

Clarifies 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 prohibitions.

Requires the principal of a public elementary or secondary school, or his or her designee, and the chief administrative officer of a private elementary or secondary school or a public or private community college, college, or university, or his or her designee, to report to the Department of Human Services when a student is determined to pose a clear and present danger to himself, herself, or to others within 24 hours of the determination.

Requires that the Department of State Police be notified no later than 7 days after entry of a court order for an adjudication as a mentally disabled or disabled person.

Immediate notice (24 hours) to State Police

and Department of Human Resources of a developmental disability or clear and present danger determination that would disqualify a person from a Firearm Owner's Identification.

Firearms in the possession of the person must be delivered to a person with a valid Firearm Owner's Identification Card for safekeeping. The adjudicated person shall also be ordered to surrender his or her Firearm Owner's Identification Card.

Defines "addicted to narcotics" for purposes of disqualifying a person for a Firearm Owner's Identification Card.

Non-Residents

No reciprocity: Out of state licenses not valid.

Non-Residents may apply for an Illinois license. Must meet essentially the same requirements as an Illinois applicant.

Non Residents are allowed to transport a concealed firearm within their vehicle without a permit, provided they have a valid out-of-state permit. If the vehicle is left unattended, the firearm must either be in a locked container or the vehicle must be locked.

Objections

Law enforcement agencies have 30 days after the information has been entered into the database to object to an application. The State Police have 10 days after completing a background check to submit any objections to the Concealed Carry Licensing Review Board. State Police are required to issue an objection for any applicant with five or more arrests for any reason over the past seven years or for any applicant with three or more arrests within seven years for any combination of gang-related offenses.

Licensing Review Board

Seven members appointed by Governor, confirmed by the Illinois Senate. No more than four can be of one political party. Three from the first judicial district (Cook County) four from the remaining judicial districts. (Same as the Illinois Supreme Court).

One commissioner must have been a federal judge, two commissioners must have been attorneys with the U.S. Dept. of Justice. Three commissioners must have been federal agents or employees with investigative experience in the Dept. of Justice, Drug Enforcement Administration, Dept. of Homeland Security or Federal Bureau of Investigation. One commissioner must be a physician or psychologist with expertise in mental illness. Decisions made by a majority vote.

Commission has 30 days to act, with exceptions.

Application denied if a preponderance of evidence shows the applicant poses a threat to himself or herself or to others or is a threat to public safety.

Meetings are confidential – not subject to open meetings act or to Freedom of Information Act.

Monthly reports to the Governor and General Assembly on the number of objections received and details of denials, but no identifying information about the applicants.

Open Meetings Act/Freedom of Information Act

Open Meetings Act amended to exempt meetings of the Concealed Carry Licensing Review Board;

Freedom of Information Act amended to shield identities of persons granted a concealed carry license.

Appeals for a Denied License

Denials can be appealed to the Concealed Carry Licensing Review Board.

Actions of the Concealed Carry Licensing Review Board are subject to judicial review.

The appeal must be made to the circuit court of the county where the applicant lives.

Prohibited Areas

The following areas will prohibit the carrying of a concealed weapon:

- Schools, including elementary, secondary, and pre-schools and child care facilities (Operators of a child care facility may possess a firearm, but must keep it in a locked container any time a child is present in the home)
- State property, including the executive, legislative and judicial branches (except designated hunting areas or buildings where firearms are permitted by the Dept. of Natural Resources)
- Local Government buildings
- Adult or juvenile detention centers, priors, jails or other correctional institutions
- Hospitals, mental health facilities and nursing homes
- Buses, trains and other forms of public transportation, as well as buildings, property or parking lots under the control of a public transportation facility
- Bars (defined as any establishment that serves alcohol, if more than 50% of its gross receipts are from the sale of

alcohol)

- Public gatherings and special events on property open to the public that requires a permit issued by a unit of local government (street fairs, “taste of” events, festivals, etc.)
- Any building or property issued a Special Event Retailers License for the sale of alcohol
- Any public playground
- Parks, athletic fields under the control of a city or park district (does not include a trail or bike path, if only a portion of the trail or bike path includes a public park)
- Property under control of the Cook County Forest Preserve District
- Public and private universities and colleges and community colleges, including classrooms, athletic venues, hospitals, laboratories, performance halls and galleries, as well as parking areas, sidewalks and common areas
- Gaming facilities, horse racing tracks and off-track betting parlors
- College and professional sports facilities
- Libraries
- Airports
- Amusement parks
- Zoos and museums
- Nuclear power plants or other facilities regulated by the Nuclear Regulatory Commission (no vehicle “safe haven”)
- Any area where firearms are prohibited by federal law (no vehicle “safe haven”)

Additional Provisions for Colleges, Community Colleges and Universities:

- May prohibit persons from carrying firearms within any vehicle owned or controlled by the college or university;

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- May establish their own policies involving discipline;
- May establish their own policies regarding designated areas for parking vehicles that carry firearms;
- May permit carrying and use of firearms for recognized programs, such as a shooting club, firearm instruction, military science and law enforcement training.

(In almost all cases, the prohibitions include parking lots and other property under control of the entity):

Bar Owners/Operators

Fine of up to \$5,000 for allowing concealed firearms in bars and restaurants where more than 50% of gross receipts comes from alcohol sales.

Private Property

Any owner of private property may prohibit concealed carry by posting a sign indicating that firearms are prohibited;

Homeowners are not required to post such signs in order to prohibit persons from carrying a concealed firearm on their property.

Signage

Signs stating that the carrying of firearms is prohibited must be conspicuously posted at entrances (unless a private residence);

Signs must be a uniform design established by the Dept. of State Police and must be 4 x 6 inches.

Vehicles Are a Safe Haven

Anyone carrying a concealed firearm onto a parking area may store the firearm in a case

that is locked in the vehicle or in a locked case in the vehicle. Persons are permitted to step out of their vehicle in order to lock the weapon in a trunk or retrieve it when leaving the area.

The “Safe Haven” provisions do not apply to nuclear power plants or facilities. They also do not apply to any area where firearms are prohibited by federal law.

Notice to Police

When stopped by a police officer, including traffic stops, upon the request of the officer the licensee must disclose to the officer that he or she is in possession of a concealed firearm, present the license to the officer upon his or her request and disclose the location of the firearm.

Violations/Penalties

Revoked if licensee no longer meets FOID Card eligibility;

Revoked if an order of protection is issued; Class A misdemeanor for carrying under the influence, first or second violation;

Class 4 felony for third violation;

Violation of the Act is a Class B misdemeanor (first offense). Class A for second or subsequent offense. License suspended for six months for a second offense and permanently revoked for three or more violations;

All violations require a \$150 fee to the Mental Health Reporting Fund, plus any other court costs or fees;

License must be surrendered within 48 hours;

Preemption

State assumes all power over regulation, licensing, possession, registration and transportation of handguns and ammunition.

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Invalidates any existing local regulations on handguns and the transport of any firearm or ammunition.

Municipalities and other local units of government cannot regulate or restrict assault weapons unless adopted before July 19, 2013 (10 days after the Act became law)

Consolidation

Task force formed to study the merger of FOID cards and concealed carry licenses into a designation that can be included on an individual's driver's license or state ID card; Report due by March 1, 2014.