

Firearm Concealed Carry Act

WHO NEEDS AN ILLINOIS CONCEALED CARRY LICENSE?

- Active duty peace officers ARE NOT required to have an Illinois concealed carry license
- Retired police officers eligible under the Illinois Retired Officer Concealed Carry Program ARE NOT required to have an Illinois concealed carry license
- Everyone else who wants to carry a concealed firearm on his/her person in Illinois is required to have an Illinois concealed carry license

APPLICATION PROCESS

Within 60 Days of Effective Date (9/7/13):

- ***Training Courses listed on ISP Website***
 - o Applicant for new license must provide proof of firearms training course or combination of courses approved by ISP of at least 16 hours
 - Active law enforcement officer are exempt from these training hour requirements

Within 180 Days of Effective Date (1/5/14):

- ***Applications for Concealed Carry Available***
 - o ISP must make license applications available at least 180 days after the effective date
- ***Database of License Applications Available to Law Enforcement Agencies***
 - o Database available to all federal, state and local law enforcement agencies
 - o Database will be searchable and provide all application info
 - o ISP must enter the applicant info into database within 10 days of receiving application
 - o No law enforcement agency may provide any info to a requester who is not entitled to it by law

Within 30 Days of Application's Entry into Database:

- ***Law Enforcement May Object to an Application***
 - o Law enforcement agencies may object based upon reasonable suspicion that the applicant is a danger to self or others, or a threat to public safety
 - o Objection must be made by chief law enforcement officer, or his designee, and must include relevant info
 - o ISP must submit objection if:
 - 5 or more arrests for any reason entered into LEADS within last 7 years
 - 3 or more arrests within last 7 years for any combination of gang-related offenses
 - o After objection submitted to ISP – ISP submits objection and application to the Concealed Carry Licensing Board within 10 days of completing background checks
 - o Referral of objection to the Board tolls the 90-day period for ISP to issue or deny license
 - o Concealed Carry Licensing Review Board (“Board”):
 - Board decisions and voting records to be kept confidential
 - Not subject to Open Meeting Act or FOIA
 - Standard of review – Preponderance of the evidence that applicant poses a danger to self, others, or a threat to public safety

- Decision must be issued within 30 days, unless additional info is requested
- Board must report monthly to Gov. and GA on number of objections received and provide circumstances of license denials based on objections (without identifying applicant)

Within 90 Days of Application Submission:

- ***ISP Must Issue or Deny License***
 - Earliest first licenses could be issued is 2/4/14 (applications avail. 1/5/14 + 30 day law enforcement objection period = 2/4/14)
 - License valid for 5 years

VIOLATIONS / SUSPENSIONS / REVOCATIONS OF CONCEALED CARRY LICENSE

- ***Violations:***
 - License is revoked if licensee no longer meet eligibility requirements or is no longer eligible for a FOID card
 - Licensee must not carry a concealed firearm while under the influence of alcohol, other drug or drugs – license suspended for 2nd violation and revoked for 3rd violation
 - If order of protection issued against licensee – license will be suspended
- ***Suspension:***
 - Licensee must surrender license to the court at time order of protection is entered or to law enforcement agency/entity serving process at time of service
 - Law enforcement agency/entity serving process must notify and transmit the license to ISP within 7 days
- ***Revocation:***
 - Within 48 hours of receiving notice, persons subject to the revocation must:
 - Surrender license *to the local law enforcement agency* where he/she resides
 - *Local law enforcement agency* must provide the person subject to the revocation:
 - a receipt noting his/her surrender of license
 - *Local law enforcement agency* must provide the ISP with:
 - the concealed carry license
 - If the revoked licensee card holder fails to comply:
 - The sheriff or local law enforcement agency where the person subject to the revocation resides may petition the circuit court to issue a warrant to search for and seize license card and firearms in his possession or under his custody or control
 - A violation is a Class A misdemeanor
 - Observation of a license in the possession of a person whose license has been revoked, suspended or denied constitutes a sufficient basis for the arrest
- ***Penalties:***
 - Licensee may not carry while under influence of drugs or alcohol
 - 1st and 2nd violations are Class A misdemeanors
 - 3rd violation is a Class 4 felony.
 - All 1st violations are a Class B misdemeanors – 2nd and subsequent violations are Class A misdemeanors

AMENDMENTS TO CRIMINAL CODE

- ***Unlawful Use of Weapon***
 - The prohibition on carry on person, vehicle or upon public way/land does not apply to a person carrying a concealed pistol, revolver or handgun if the person has valid CC license
 - If a person does not have a valid CC license, they may not carry a pistol, revolver or handgun on his/her person, vehicle or upon public way/land

- ***Aggravated Unlawful Use of a Weapon***
 - A person is guilty of AUUW if:
 - Person knowingly carries a pistol, revolver or handgun on his/her person, vehicle, on the public way/lands, AND the pistol, revolver or handgun is uncased, loaded and immediately available and the person has not been issued a currently valid CC license;
 - Person knowingly carries a pistol, revolver or handgun on his/her person, vehicle, on the public way/lands, AND the pistol, revolver or handgun, is uncased, unloaded, and the ammunition was immediately accessible and the person has not been issued a currently valid CC license; OR
 - Person knowingly carries a firearm, *other than a pistol, revolver or handgun*, on his/her person, vehicle, on the public way/lands, AND the firearm is uncased, loaded and immediately available;
 - Person knowingly carries a firearm, *other than a pistol, revolver or handgun*, on his/her person, vehicle, on the public way/lands, AND the firearm, is uncased, unloaded and the ammunition was immediately accessible; OR
 - If a person has a CC license, he/she may knowingly carry an uncased, loaded pistol, revolver or handgun on his/her person, vehicle or on public way (as long as it is not in a prohibited place).

- First AUUW is a Class 4 felony
 - Second or subsequent AUUW is a Class 2 felony

- ***The earliest a CC license can be issued is approximately Feb. 4, 2014.***

- If a law enforcement officer initiates and investigative stop (incl. traffic stop), upon request of officer, licensee must disclose possession of concealed firearm

PROHIBITED AREAS

- ***Prohibited Areas:***
 - Elementary/Secondary School/Pre-school
 - Childcare facility
 - Government buildings/courthouse
 - Correctional institution
 - Public and private hospitals, mental health facilities or nursing homes
 - Public transportation
 - Establishment that has 50% of gross receipts from alcohol within the prior 3 mos.
 - Public gatherings authorized a unit of local government
 - Building/outdoor area that has been issued a Special Event Retailer liquor license
 - Public playground/park/athletic facility (except bikeway and trails)
 - Cook County Forest Preserve
 - Public and private colleges
 - Casinos/racetracks
 - Sporting event facilities
 - Public libraries
 - Airport
 - Amusement park/zoo/museum
 - Any street, parking area, building, or property controlled or owned by a nuclear energy, storage, weapons or development site regulated by the Nuclear Regulatory Commission; licensee must not store firearm or ammunition in vehicle either
 - Anywhere prohibited by federal law
 - Private property owners may prohibit by posing sign (private residences do not need to post sign)
- Private and public colleges may create additional rules related to prohibition/permission
- Except where specified (federally prohibited areas and nuclear sites), a licensee can carry on his person within a vehicle in the parking area and may store within a locked case out of plain view within a vehicle