



**DuPage Mayors and Managers Conference**  
**Concealed Carry and Local Government: What You Need to Know**  
**Effective Date: November 12, 2013**

Disclaimer: Information provided in the following material is meant only to give general guidance. The information is not meant to replace statutory language and should not be considered legal advice.

Concealed Carry Background

[HB-0183](#), commonly known as the Firearm Concealed Carry Act (the Act), became law in Illinois on July 9, 2013. The law allows concealed carry licensees to carry concealed or mostly concealed handgun(s) in public places with a few specific exceptions. The Act defines a handgun as “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 mean a stun gun, a taser, a machine gun, a short-barreled rifle or shotgun, or any pneumatic gun, spring gun, paintball gun, or B-B gun.

The Illinois State Police (ISP) are responsible for the implementation of licensing procedures but local government and local law enforcement need to be aware of their obligations under the law and actions that should be taken to ensure they are prepared.

Applications for concealed carry licenses will be available on January 5, 2014 with the first licenses being issued no later than April 4, 2014. The ISP estimate that approximately 400,000 people will apply for concealed carry licenses.

1. Police Enforcement Activities

*What You Need to Know*

- Licensees who are carrying a concealed firearm must disclose that information to a law enforcement officer upon request during all investigative/traffic stops. If the officer does not ask, the licensee is not obligated to reveal that information.
- Unless otherwise noted in the Act, a concealed carry licensee who violates the Act is guilty of a Class B misdemeanor for a first offense, a Class A misdemeanor and possible license suspension for a second offense, and license revocation for three or more offenses.
- Concealed carry licensees are not allowed to carry a concealed firearm while under the influence. Violators are guilty of a Class A misdemeanor for a first and second offense and a Class 4 felony for a third violation.
- Persons who have a concealed carry license in another state are not granted reciprocity in Illinois, meaning they may not lawfully carry a concealed handgun unless they apply for, and are issued, an Illinois concealed carry license. Persons with a valid out-of-state concealed carry

license are allowed to carry a concealed firearm within a vehicle. If they leave their vehicle, they must store the firearm within a locked vehicle or locked container within the vehicle.

### *What You Should Do*

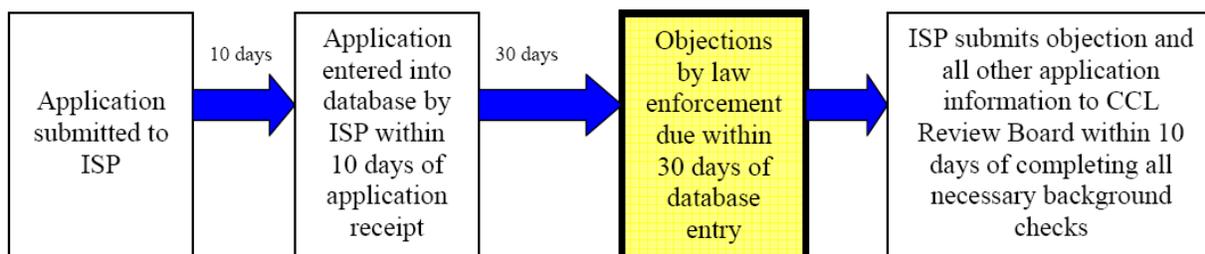
- Update standard operating procedures to ensure that officers understand that they must ask about concealed firearms during all investigative stops.
- Due to potential increases in the number of calls for service with regard to reports of people with firearms in public, Police Departments should make sure all officers are familiar with the Firearm Concealed Carry Act including locations where firearms are prohibited.
- Fire Department Paramedics will be faced with treating and transporting patients who are carrying a concealed firearm to the hospital. Fire and Police officials should work together to develop policies and procedures for handling concealed firearms that have been removed from a person who is being treated or transported to a hospital by paramedics.

## 2. Objecting to the Issuance of a License

### *What You Need to Know*

- The ISP will maintain a database of all applications that will be accessible by all federal, State, and local law enforcement agencies as well as State's Attorneys, the Attorney General, and authorized court personnel.
- Application information must be posted to the database within 10 days of application receipt by the ISP.
- All law enforcement objections must be submitted within 30 days of application being posted on the ISP database. Agencies will be able to set up alerts when applications matching selected criteria are entered into the database.
- Objections shall be made if there is a reasonable suspicion that the applicant is a danger to themselves or others or a threat to public safety.
- Objections must be made by the chief law enforcement officer or designee and must be sent electronically through the ISP database. Officials submitting an objection must provide a narrative detailing the reason for the objection and attach any relevant documentation.
- The ISP must submit the objection and all information related to the application to the Concealed Carry Licensing Review Board within 10 days of completing all necessary background checks.

### Application Objection Timeline



### *What You Should Do*

- Concealed carry license applications go live on January 5, 2014. It is anticipated that the ISP will receive approximately 400,000 applications. Local law enforcement will need to prepare staff for the administrative burden of monitoring the list and performing checks on applicants in your area.
- Write a comprehensive policy for objecting to applications and assign personnel to monitor the list and submit objections when appropriate.
- Set up alerts on the ISP database website that are appropriate for your agency when it becomes available (ex: zip codes under your jurisdiction).

### 3. Acceptance of Revoked Licenses

#### *What You Need to Know*

- The law requires local law enforcement to accept licenses that have been revoked or suspended by the ISP.
- The licensee has 48 hours from notice of revocation or suspension to surrender the license to the local law enforcement agency where the person resides.
- Local law enforcement must give the licensee a receipt and transmit the concealed carry license to the ISP within 7 days.

#### *What You Should Do*

- Ensure updated policies are in place for accepting revoked concealed carry licenses, FOID cards and weapon disposition forms.

### 4. Impact on Government Approved Events

#### *What You Need to Know*

- Public gatherings or special events conducted on property open to the public that require the issuance of a permit from the unit of local government are prohibited areas under the Act. These events must have the State Police approved signage posted at all entrances (see section 7).
- A concealed carry licensee may walk through such a public gathering only if they must do so to access their residence, place of business or vehicle.

#### *What You Should Do*

- Review current policies and required forms used to apply for special events, parades, block parties, and open-air gatherings. Adjust policies and required forms where appropriate.

### 5. HR Procedures and Actions

#### *What You Need to Know*

- Local government buildings are designated as a prohibited area under the Act. Parking lots of local government buildings are not a prohibited area.
- Local governments must post the approved signage at all entrances to a building to comply with the Act (see section 7).
- It is unclear whether or not employers have the right to ban concealed carry licensees from carrying a firearm in an employer-owned vehicle.
- Persons with a valid concealed carry license are allowed to have their handgun in their car in the parking area provided they store the firearm in a case inside a locked vehicle or within a locked container outside of plain sight before entering the building. Concealed carry licensees

are also allowed to carry the firearm in the immediate area surrounding their vehicle for the purpose of securing the firearm as long as the firearm is unloaded prior to exiting the vehicle.

- Employees who already carry firearms as part of their scope of work, such as sworn police officers, are exempt from any prohibition.

#### *What You Should Do*

- Set up clear policies on where firearms are and are not allowed. Train employees on the new policies.
- Consult with your municipal attorney to ensure policies regarding firearms in employer-owned vehicles are consistent with the law.
- Instruct employees who observe anyone carrying a firearm in a municipal building who is not a police officer to notify their supervisor or the Police Department.

### 6. Fingerprinting Practices

#### *What You Need to Know*

- Fingerprints may be submitted as part of a concealed carry application, which could result in a spike in the number of residents seeking fingerprinting vendors. Only fingerprints performed through Live Scan will be accepted by the State. Traditional ink prints will not be accepted.
- Applicants may forgo fingerprinting if they choose but an additional 30 days will be added to their application wait period to allow for a manual background check.
- A list of licensed Live Scan vendors can be found on the [ISP website](#). Local law enforcement agencies will be allowed to perform Live Scan fingerprinting for applications and will be allowed to charge a fee.
- Local law enforcement agencies are not required to provide fingerprinting.

#### *What You Should Do*

- Determine if it is appropriate to offer Live Scan fingerprinting to your residents for concealed carry license applications.
- Police Departments wishing to become a licensed Live Scan vendor must contact the ISP.
- Update your municipality's fee schedule to reflect any changes in fees prior to applications being accepted on January 5, 2014.

### 7. Signage at Public Buildings

#### *What You Need to Know*

- The Act requires clear and conspicuous posting of signs in all areas defined as "prohibited areas," which includes but is not limited to buildings under the control of a unit of local government, public parks under the control of a municipality or park district, and public transportation systems. A comprehensive list of areas prohibited by statute can be found in [430 ILCS 66/65](#).
- The signs are to be posted at all entrances of the premises or real property, be 4 inches by 6 inches (4"x 6"), and conform to rules established by the ISP. The approved signage has been released and is available for download or printing at <http://www.isp.state.il.us/firearms/ccw>.
- As of November 12, 2013, the statute clearly stated that the approved sign must be 4"x 6". However, there is a [proposed rule](#) that would allow for larger signs with additional language as long as the approved signage is visible and a minimum of 4"x 6". The [proposed rule](#) is expected to be presented to the Joint Commission on Administrative Rules (JCAR) in December 2013.

- The statute lists additional “prohibited areas,” such as hospitals, schools, buses, trains, bars, libraries, museums, and more. The statute also allows the owner of any private property to prohibit concealed firearms on the property. All of these properties, with the exception of private residences, must also post the standardized sign.

#### *What You Should Do*

- Neither the statute nor the proposed rule specifies whether signs must be posted at a single entrance or at multiple entrances. It is recommended that the standardized 4”x 6” sign be posted at each entrance to ensure compliance.
- For buildings, it is recommended that every door be considered an entrance and that all intended entry points to parks, such as trailheads, walkways, etc., be posted with the standardized sign.
- If the proposed rule is adopted, municipalities may post larger signs with additional wording where they wish, as long as the standard 4”x 6” sign is included in a visible area of the larger sign.

Illinois State Police Approved Signage



### 8. Educating the Public, Businesses and Liquor License Holders

#### *What You Need to Know*

- The Act permits property owners and business owners to prohibit the carrying of concealed firearms on property under the owner's control. Businesses wishing to prohibit firearms must post the standardized signage at all entrances (see section 7). Private residences are not required to post any signage.
- Concealed carry license holders are allowed to carry a concealed handgun on his or her person while within a vehicle in the property’s parking area, even if a business owner posts the required signage.
- Persons with a valid concealed carry license are allowed to have their handgun in their car in the parking area granted they store the firearm in a case inside a locked car or within a locked container outside of plain sight before entering the building. Concealed carry licensees are also allowed to carry the firearm in the immediate area surrounding their vehicle for the purpose of securing the firearm as long as the firearm is unloaded prior to exiting the vehicle.
- It is unclear whether or not employers have the right to ban concealed carry licensees from carrying their firearm in an employer-owned vehicle.
- Firearms are prohibited in any building, real property, and parking area under the control of an establishment that serves alcohol on its premises, if more than fifty percent (50%) of the

establishment's gross receipts within the prior three (3) months is from the sale of alcohol. Such establishments are required to post the State Police approved signage at all entrances (see section 7).

- Firearms are also prohibited from any building or real property that has been issued a Special Event Retailer's Liquor License as defined by the State of Illinois. Signs stating that the carrying of firearms is prohibited at said events shall be clearly and conspicuously posted.

#### *What You Should Do*

- Municipalities may wish to educate the general public and business owners/operators about the Act. Municipalities should consider partnering with local business membership organizations such as Chambers of Commerce in their education efforts.
- Municipalities and other business organizations may wish to provide businesses access to the approved signage prohibiting firearms on private property. The information could be posted on websites or the signs could be produced and offered to interested businesses.
- Municipalities may want to encourage all business owners, residents, and other governmental units within the municipality to seek training and legal counsel on the implementation of the concealed carry statute and proposed rule.
- Review current policies and required forms used to apply for liquor licenses. Adjust policies and required forms where appropriate.
- Consider engaging business owners who serve alcohol to ensure they are aware of the new regulations.