

The Illinois Citizens

Concealed Carry Law

HANDBOOK

FORWARD

In December 2012, a federal circuit court ordered the State of Illinois to adopt a law allowing at least some individuals to carry loaded, concealed handguns in public places. As a result, on July 9, 2013, Illinois became the last state in the nation to pass a concealed carry law.

As the State of Illinois had historically prohibited concealed carry and the vast majority of Illinois citizens are not gun owners, many individuals and business owners have reached out to the Illinois Council Against Handgun Violence (ICHV) to learn more about how this new law impacts them, their families, their communities and even their employees and customers.

While the new law is very clear as to the requirements of gun owners seeking to apply for concealed carry licenses, many questions have loomed for the rest of our state's citizens as far as ways it may have introduced new rights, responsibilities and legal obligations regarding their response to guns and public safety both at home, in the community and in the workplace.



CHAPTER 1

Concealed Carry & Me

Will help the average person become informed about the carrying of concealed firearms in Illinois under this new law, and to understand how to best protect themselves and reduce the dangerous impact of guns in their communities.

CHAPTER 2

Concealed Carry & My Business

Will help business owners determine their rights and legal obligations under the law as far as determining who can carry concealed handguns on their premises and under what circumstances, as well as how to maintain a safe, responsible environment that respects the rights of all clients and employees.

We hope that you find this information helpful. For further information, you may refer to our website at:

www.concealedcarryandme.com

Chapter 1: Concealed Carry & Me

Illinois is a state with over 12 million citizens, of which an estimated 1.4 million are gun owners, and had historically prohibited individuals from carrying loaded, concealed handguns in public places.

With the passage of the Illinois Concealed Carry Law on July 9, 2013, the landscape of guns in our communities changed and a whole new set of questions emerged with regard to balancing the requirements of the law with public safety and personal responsibility – among both gun owners and average citizens.

While gun owners seeking to apply for concealed carry licenses can clearly identify their requirements in the law, the average citizens of our state are seeking answers to basic questions about its impact on their safety, rights and responsibilities in a different manner.

Chapter I of the Illinois Citizens Concealed Carry Handbook addresses the questions of the millions of Illinois residents who may simply be unfamiliar with the basics on Illinois gun laws, such as: What exactly “concealed carry” means? Where can loaded, concealed handguns be legally carried in their communities? Who can carry them? What sorts of preventative measures has the state put into place to ensure these licenses don’t land into the wrong hands? And, what sorts of precautions can be taken to prevent gun violence or unsafe situations pertaining to an increase in loaded, concealed handguns in their communities?

What is Concealed Carry?

A concealed carry law (CCL) governs the practice of carrying a concealed weapon (CCW) - usually a handgun - in public, either on one’s person or in close proximity.

While Illinois law previously restricted the manner by which gun owners transported their firearms, the concealed carry law eliminated those restrictions by allowing individuals to apply for a special license to carry loaded, concealed handguns in most public places.

Don't you already need a firearm identification card (FOID) to own a gun in Illinois?

Yes, but that does not entitle someone to carry a handgun in public. In order to carry a handgun in public one must apply for a concealed carry license. A gun owner does not need to get a CCW license if he or she is NOT planning on carrying the gun in public.

What type of firearms may be carried, loaded, & concealed in my community?

The Illinois Concealed Carry Law authorizes a license holder to carry a handgun on or near his or her body completely or mostly concealed from view of the public or on or near his or her body inside a vehicle.

“Handgun” means any device that 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.

This does not include:

- A stun gun or taser
- A machine gun as defined in item (i) of paragraph (7) of subsection (a) of Section 24-1 of the Criminal Code of 2012
- A short-barreled rifle or shotgun as defined in item (ii) of paragraph (7) of subsection (a) of Section 24-1 of the Criminal Code of 2012
- Any pneumatic gun, spring gun, paint ball gun, or B-B gun which 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.

Are there any restrictions on the number of rounds of ammunition that may be carried by a concealed carry license holder?

No. Under the Illinois Concealed Carry Law, there are no restrictions on the size of the magazine or number of rounds of ammunition that may be carried in a concealed manner by an approved concealed carry license holder.

Where are individuals restricted from carrying loaded, concealed guns in my community?

The new law allows licensed individuals to carry concealed handguns in most public places. Locations where guns are not allowed include:

- Preschools, elementary and secondary schools, and childcare facilities
- Colleges and Universities and any real property, sidewalks and common areas under the control of a public or private community college, college, or university
- Playgrounds and public parks
- Bars (where more than 50% of the revenue is from alcohol)
- State and local government buildings, including those under the control of the executive or legislative branch of the government, local government and courthouses
- Jails and detention centers
- Libraries
- Hospitals, nursing homes, and mental health facilities
- Stadiums, arenas, and sporting events
- Riverboats, racetracks, and OTBs
- Airports
- Museums, zoos, and amusement parks
- Public transportation paid for in all or in part with state funds
- Public gatherings authorized by a local government (e.g. street fairs, festivals, etc.)
- Nuclear facilities and their parking areas
- Any private property that is posted with appropriate signage (homeowners do not have to post signs)
- Cook County Forest Preserve

Except where noted above, firearms may be in a parking lot if they are safely locked in the car or trunk and cannot be seen from outside the vehicle.

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Additionally individuals are allowed to carry on a bike path or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area of a building where firearm possession is permitted as established under Section 1.8 of the Wildlife Code.

The owner of private property may prohibit firearms on property under his or her control, but, unless the property is residential, the owner must post a sign designed by the State Police. A copy of the sign is located in the back of this handbook or you can download the approved sign at www.concealedcarryandme.com.

Can concealed carry license holders bring guns to local bars and restaurants where alcohol is served?

The Illinois Concealed Carry Law strictly prohibits firearms in bars and in restaurants where more than 50% of all sales are from alcohol. For those with sales less than 50% from alcohol, the property owner may allow clients to carry firearms if they choose.



If I don't want people to carry guns at my home, am I required to post a sign prohibiting it?

No. This type of notification is only required for businesses. You have the right to prohibit individuals from carrying firearms into your home.

Who can carry a loaded, concealed weapon in my community?

Under the new concealed carry law, it is strictly prohibited for citizens to carry loaded, concealed handguns in Illinois communities unless they obtain a license from the Illinois State Police (ISP) in the manner outlined under the new law.

In order to be approved for a concealed carry license, individuals must address certain minimal requirements, including that he or she:

- Is 21 years old,
- Has a currently valid Firearm Owner's Identification (FOID) Card, or be an eligible out-of-state resident,
- Have not been convicted or found guilty (in any state) of a misdemeanor involving the use or threat of physical force or violence to any person or driving while intoxicated within last 5 years,
- Is not the subject of an arrest warrant or prosecution for an offense that would lead to a firearm prohibition,
- Has not been in any residential or court-ordered alcohol or drug-treatment program within five years.
- Has successfully completed firearms training.

In addition, a chief law enforcement officer may object if he or she has a "reasonable suspicion" that the applicant is a danger to himself or herself or others or a threat to public safety. If this occurs, the person may, or may not, still be issued a license, depending on the decision of the Concealed Carry Licensing Review Board, which consists of 7 judicial, law enforcement and mental health professionals appointed by the Governor. Similarly, the Board has discretion to issue or deny a license to a person who has been arrested 5 or more times within the past 7 years, or a person who has been arrested 3 or more times within the past 7 years for gang-related offenses. The Board generally will issue a decision within 30 days as to whether it has determined that an applicant is eligible or ineligible for a license.

What sort of training requirements are mandated to ensure that only responsible gun owners may carry loaded, concealed handguns in my community?

The Illinois Concealed Carry Law requires the Illinois State Police (ISP) to establish approval standards for certified firearms instructors and firearm-training courses that all concealed carry license applicants must successfully complete. In addition, ISP publishes a registry of all approved instructors and courses on their website:

<https://ccl4illinois.com/ccw/Public/FindInstructor.aspx>

The required 16-hour firearms training course includes range qualification time and covers the following:

1. Firearm safety
2. The basic principles of marksmanship
3. Care, cleaning, loading, and unloading of a concealable firearm
4. All applicable state and federal laws relating to the ownership, storage, carry, and transportation of a firearm
5. Instruction on the appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm.

All applicants must pass a live fire exercise with a concealable firearm consisting of:

1. A minimum of 30 rounds
2. 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards, and 10 rounds from a distance of 10 yards at a B-27 silhouette target approved by the ISP.



Will citizens from other states be allowed to carry loaded, concealed guns in my community if they have a license from their home state?

The law does allow non-residents to apply for an Illinois Concealed Carry License for a fee of \$300 if their state's concealed carry license laws are determined by the Illinois State Police as "substantially similar" or stronger than Illinois' requirement.

The law also allows a non-resident to carry a concealed firearm inside his or her vehicle if he or she is eligible to carry a firearm in public under the laws of his or her home state.

How will I know if someone is carrying a loaded, concealed handgun in my community?

The names of concealed carry licensees are not public, and the law defines a “concealed firearm” as “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.”

Based on this information, it would be difficult to determine which individuals are carrying loaded, concealed handguns in your community.

What should I do if I have reason to believe that a prohibited person is carrying a loaded, concealed handgun?

If you suspect that a prohibited person is carrying a loaded, concealed handgun in public, you should immediately notify your local law enforcement agency.

Without a valid concealed carry license, carrying a firearm in public is a crime.

What should I do if I filed a restraining order against an individual, and I believe that they own a gun or have a concealed carry license? How should I report this information?

If you feel threatened by anyone with a firearm or have reason to believe that a prohibited person under a restraining order has a gun or a concealed carry license, you should immediately contact your local law enforcement department. The law requires the State Police to suspend a person’s license or FOID card if he or she becomes subject to a restraining order

If I observe a concealed carry license holder acting irresponsibly with a handgun in public, should I call authorities? And, can they revoke their license?

A concealed carry license holder may not carry a concealed handgun while under the influence of alcohol or drugs. In addition, a CCW license holder may not carry a gun openly – the gun must be at least partially concealed. If you see a person carrying a gun without any attempt to conceal it, or if you see a person carrying a gun while he or she seems intoxicated, you should call the authorities immediately.

The law does not allow the State Police to revoke a CCW license unless the license holder has committed three or more violations of the law. After the second violation, the State Police can suspend the license for six months, but is not required to.

What is the penalty for carrying a loaded, concealed handgun in public without a license?

Without a valid concealed carry license, carrying a firearm is a crime. Unlawful Use of Weapons first offense is a Class A Misdemeanor and a second or subsequent offense is a Class 3 Felony. Additionally, there are penalty enhancements for certain locations (for example on or within 1,000 feet of any school, public park, courthouse, public transportation facility, or residential public housing). Further, an Aggravated Unlawful Use of Weapons first offense is a Class 4 Felony and a second or subsequent offense is a Class 2 Felony.

What are the penalties for carrying a loaded, concealed handgun in a restricted place?

It depends. A licensee who carries in a restricted place is guilty of a Class B misdemeanor. A second or subsequent violation is a Class A misdemeanor. The State Police may suspend a license for up to 6 months for a second violation and must permanently revoke a license for 3 or more violations. In addition, a license holder convicted of carrying in a restricted place must pay a \$150 fee to be deposited into the Mental Health Reporting Fund, plus any applicable court costs or fees.

How are concealed carry license holders allowed to use their guns?

Concealed carry license holders must use their firearms in ways that are consistent with all local, state, and federal laws. Additionally, the Illinois Concealed Carry Law does not allow "open carry," or the ability to carry the weapon in a manner such that it is visible to others. Put differently, a "concealed firearm" means a 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.

Are concealed carry licensees authorized to act as law enforcement officers if they witness a crime?

No. Concealed carry licensees that are not sworn law enforcement officers must use their firearms only in ways that are consistent with all local, state, and federal laws.

A concealed carry license simply indicates that they have passed the necessary background checks and training to qualify to carry a loaded, concealed handgun in public – but does not allow them to use it to enforce laws or impose any demands or requests on other citizens.

Does Illinois have a “Stand Your Ground” statute?

In recent years, concealed carry laws have become associated with controversial and tragic incidents, primarily in Florida, related to so-called “Stand Your Ground” laws.

At its core, a “Stand Your Ground” law allows a person to use deadly force in self-defense in a public place with no duty to retreat. Florida’s law and many others like it also present other public safety concerns, including granting immunity from criminal prosecution, which can be raised at a pre-trial hearing to absolve the shooter and halt prosecution, as well as immunity from civil liability for injury to other persons.

Illinois does not have a Stand Your Ground law. While a person may use deadly force in self-defense with no duty to retreat, this rule has been created by past judicial decisions and may only be raised during a prosecution as an affirmative defense. Illinois has none of the immunity laws, pre-trial hearings, or other negative public safety provisions that characterize a true Stand Your Ground law.

Other than specific CCL requirements, are there any other requirements for possessing a gun in Illinois?

Unless specifically exempted by statute, any Illinois resident who acquires or possesses a firearm or firearm ammunition within the State must have in their possession a valid Firearm Owner’s Identification (FOID) card issued in his or her name. Non-residents are not required to have a FOID card. New Illinois residents have sixty calendar days after obtaining an Illinois driver’s license or Illinois Identification Card to obtain a FOID card.

Applicants who have been convicted of felonies, certain misdemeanors, or have had certain kinds of mental health issues or intellectual disabilities are ineligible to receive a FOID card. People subject to certain kinds of restraining orders or are addicted to narcotics, and non-immigrant aliens are also ineligible.

If I feel threatened by an individual carrying a loaded, concealed gun in a public place, how should I handle the situation?

You should avoid any confrontation with the individual, and immediately report what you have witnessed to the person or people in control of premise, and, if necessary, local law enforcement.



Chapter 2: Concealed Carry & My Business

The passage of the first concealed carry law in Illinois history has raised many questions for business owners, largely in the form of ensuring compliance with its legal requirements and addressing any challenges related to ensuring the safety of their property.

While the Illinois Concealed Carry Law bans some types of businesses from allowing firearms, it offers others the option of allowing or prohibiting them. The establishment of these types of policies have the potential to impact their interaction with both their clients and employees.

Furthermore, as businesses have a legal liability to ensure they offer their clients a safe environment, they must carefully determine how to establish a balance between addressing requests from clients to carry a firearm with the potential public safety threat that may be associated with allowing guns.

Chapter II addresses the many questions and concerns that have been raised by businesses owners regarding their response to the passage of the Illinois Concealed Carry Law, such as:

- How does it affect their business?
- Are they liable if a shooting is committed on their property?
- How do they become a gun-free business?
- How should they handle any threats of violence at their place of business if they suspect that individuals are carrying firearms?

How does the concealed carry law impact my business?

The concealed carry law will affect 3 types of businesses:

1. Businesses that are already prohibited by law from allowing the carrying of loaded, concealed guns;
2. Businesses that choose to prohibit customers and employees from carrying loaded, concealed guns; and
3. Businesses that choose to allow customers and employees to carry loaded, concealed guns.

The legal implications of your business decisions on how to handle Illinois CCL should not be taken lightly. It is best to seek an attorney to discuss the specific needs and concerns of your business, as it is unwise to determine how to safeguard your business from liability without a comprehensive knowledge of the law.

Which businesses are already prohibited by law from allowing the carrying of loaded, concealed guns?

- Preschools, elementary and secondary schools, and childcare facilities
- Colleges and Universities and any real property, sidewalks and common areas under the control of a public or private community college, college, or university
- Playgrounds and public parks
- Bars (where more than 50% of the revenue is from alcohol)
- State and local government buildings, including those under the control of the executive or legislative branch of the government, local government and courthouses
- Jails and detention centers
- Libraries
- Hospitals, nursing homes, and mental health facilities
- Stadiums, arenas, and sporting events
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- Airports
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- Public transportation paid for in all or in part with state funds
- Public gatherings authorized by a local government (e.g. street fairs, festivals, etc.)
- Nuclear facilities and their parking areas
- Any private property that is posted with appropriate signage (homeowners do not have to post signs)
- Cook County Forest Preserve

Except where noted above, firearms may be in a parking lot if they are safely locked in the car or trunk and cannot be seen from outside the vehicle.

Additionally individuals are allowed to carry on a bike path or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area of a building where firearm possession is permitted as established under Section 1.8 of the Wildlife Code.

The owner of private property may prohibit firearms on property under his or her control, but, unless the property is residential, the owner must post a sign designed by the State Police. A copy of the sign is located in the back of this handbook or you can download the approved sign at www.concealedcarryandme.com.



Does the law require me to allow patrons to carry loaded, concealed guns on the premises of my business?

You may prohibit guns on the premises of your business, so long as you first obtain permission from the owner of the property, and the sign shown above is posted. You must ensure that the owner of the property posts the sign or allows you to post the sign. The types of businesses that are required to prohibit guns are listed in this handbook, but even if your business is not listed, you may still choose to prohibit guns on the property, so long as the sign is used. Be aware that guns must still be allowed in locked vehicles in parking areas, even if the sign is posted.

The CCL states that “(t)he owner of private real property of any type may prohibit the carrying of concealed firearms on the property under his or her control.” In addition, it states that all prohibited areas, including self-designated prohibited areas, must post signage (unless the property is a private residence) advising entrants that carrying a concealed firearm on the premises is prohibited.

Who has the legal authority to prohibit firearms from being carried on the grounds of a business – the owner of the property, or the tenant? If I am the business owner, but I don't own the property, can I still prohibit concealed carry?

Based on the Illinois' CCL language, it is very clear that the owner of the property where they manage their business has the authority to prohibit firearms. It states: "The owner of private real property of any type may prohibit the carrying of concealed firearms on the property under his or her control"

However, there are still many questions about the legal interpretation of this language, and what defines "the owner of private real property."

Questions include:

- Do you have to be the "owner" on the title?
- What is meant by "private real property"?
- What about an office building that is open to the public or located on public property?
- Even if I am the owner of the private real property, what does it mean to be under my control? i.e. what if I lease the property to someone else?

At this point, no one can say for certain how these terms will be interpreted by the courts and it is recommended that businesses seek an attorney if they require answers to these questions.

In the meanwhile, if you have concerns about individuals carrying loaded, concealed handguns at your business, then it is encouraged that you workout an agreement with the property owner as soon as possible.

How do I let customers know that guns are prohibited at my business? Are there any legal requirements for how to communicate this policy?

The Illinois State Police has established administrative rules consistent with the Illinois Concealed Carry Law regarding the design of the required notices prohibiting firearms for all businesses. They have developed standard signage that any business owner can download and print directly from their website, and then post throughout their business to notify patrons of the restrictions:

The Illinois State Police website address with the signage is:
<https://ccl4illinois.com/ccw/Public/CCWProhibitedAreaSign.pdf>

In addition, a copy of the signage is included in the back of this handbook.



Do I have to allow employees that are concealed carry license holders to carry loaded, concealed guns at work?

The law only requires employers to allow guns if they are hidden in locked vehicles. Employers may prohibit guns in other areas as long as the owner of the property agrees and the sign is posted.

If I choose to prohibit my employees from carrying guns to work, what are my legal requirements?

If you are the owner of the property, the concealed carry law requires you to post a standardized notice prohibiting firearms that is consistent with the Illinois State Police standard requirements that can be found on their website:

<https://ccl4illinois.com/ccw/Public/CCWProhibitedAreaSign.pdf>


If you are not the owner of the property where your business is located, it is recommended that you first work to establish an agreement with your landlord and then seek legal advice from an attorney as the courts have not fully addressed whether these decisions are, indeed, entirely dependent on the property owner. (See answer to “Who has the legal authority to prohibit firearms?”)

The concealed carry law requires business owners to post standard signage in all prohibited areas that advises entrants that carrying a concealed firearm on the premises is prohibited. A copy of the required signage can also be downloaded and printed directly from our website: www.concealedcarryandme.com.

In addition, there is a printed copy of this signage in the back of this handbook.

It should be noted that, while the statute specifically addresses the posting requirements, it does not address the manner in which you communicate or enforce this policy. In that regard, it is recommended that you consult your attorney or ensure that the policy is implemented in a manner consistent with all other employee requirements.



A black and white photograph of a man in a suit and tie, smiling and looking back over his shoulder while walking up a staircase with a metal railing. The background is blurred, showing what appears to be an outdoor setting with a fence.

If I allow customers to carry guns, and one of them becomes intoxicated and later commits a shooting, what is my liability as a business?

It is illegal to carry a firearm while under the influence of alcohol or drugs. As a result, a business owner should instruct employees that, if they see someone carrying a gun who is intoxicated, or someone openly carrying a gun, they should call the authorities immediately.

Are there restrictions on allowing individuals to carry loaded, concealed guns at a business that serves alcohol?

The Illinois CCL strictly prohibits firearms in bars and in restaurants where more than 50% of all sales are alcohol. Such businesses are required to post the sign in the back of this handbook. For those with sales less than 50% from alcohol, the property owner may allow clients to carry firearms, or may choose to prohibit the carrying of firearms on the premises.

If a business of this type chooses to prohibit carrying, it must also post the sign in the back of this handbook. You can also download a copy of this sign at www.concealedcarryandme.com.



Are people allowed to carry guns where I work? What can I do if I don't want people to carry guns where I work?

CCW license holders may be allowed to carry concealed handguns in your workplace, depending on the type of business, and whether there is a properly posted sign prohibiting guns. Guns are also allowed if they are hidden in parked vehicles. Let your employer know your concerns if there is no sign prohibiting guns where you work.

Additional questions we have been asked about the Concealed Carry Law and how it affects businesses:

- If my business prohibits guns are we liable for enforcing this policy? Do we need to conduct regular checks of employees or our business for guns?
- If my business prohibits guns and an employee brings a gun to work, what are my rights as an employer to discipline them?
- If I allow guns on the premises of my business, do I need to get a different type of insurance?
- If an employee makes any threatening statements against another employee, do we have to handle those threats differently if we know they are a gun owner?
- If my business prohibits guns and an employee brings a gun to work and shoots someone, what is our liability?
- If my business prohibits guns and an employee brings a gun to work, what are my rights as an employer to discipline them?
- If my business allows guns and someone carrying a loaded concealed gun displays disturbing behavior in my business or is making my customers uncomfortable, what are my rights to get them off the premises?
- If I allow guns at my business and a customer shoots someone on the premises, what is my liability as a business owner?

The law as written is vague in answering these questions and no one can say for certain how the courts may interpret them. The legal implications of your business decisions in this regard to these questions should not be taken lightly. It is best to seek an attorney to discuss the specific needs and concerns of your business, as it is unwise to determine how to safeguard your business from liability without a comprehensive knowledge of the law.





Special thanks to our sponsors,
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