

TOPIC: Illinois Firearm Concealed Carry Act

On July 9, 2013, the Illinois General Assembly enacted the Firearm Concealed Carry Act, authorizing the possession of concealed handguns. This new law preempts PDRMA members from regulating certain firearms, prohibits firearms in certain areas (including public playgrounds, parks, athletic facilities and facilities owned or controlled by local governmental agencies), and gives local law enforcement agencies – including your agency’s police department – an opportunity to object to license applications. However, the new statute potentially conflicts with other federal and state laws and leaves many questions unanswered.

PDRMA has reviewed the new legislation and sees only remote liability and policy implications. In order to ensure your agency’s ordinances and policies comply with the law, PDRMA recommends reviewing them – along with signage requirements – with your corporate counsel.

The following is a brief overview of the law’s parameters including the areas of preemption, prohibited areas, law enforcement objections, and employer rights:

Preemption

The law restricts local government from imposing restrictions that are inconsistent with the licensing law. While an agency’s ordinances can regulate the use of parks and property, those ordinances cannot be inconsistent with the state law.

Prohibited Areas

Firearms are prohibited in certain areas including – but not limited to – the following:

- “Any public park, athletic area, or athletic facility under the control of a municipality or park district, providing nothing in this Section shall prohibit a licensee from carrying a concealed firearm while on a trail or bikeway if only a portion of the trail or bikeway includes a public park.”
- Any public playground.
- Any building or portion of a building under the control of a unit of local government.
- Any building, real property and parking area under the control of a public or private elementary or secondary school as well as any area where firearms are prohibited by federal law (e.g., school property).
- Any bus, train or form of transportation paid for in whole or in part with public funds.
- “Any public gathering or special event conducted on property open to the public that requires the issuance of a permit from the unit of local government, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access his or her residence, place of business or vehicle.” (Permitted Special Events)
- “Any building, real property, and parking area under the control of 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...” (Child-care Facilities)

Stadiums, including parking area(s) under the control of a stadium.

- Zoos and museums.
- Any building, real property and parking area under the control of an airport.

Parking Lot Exception

Even in a prohibited area, concealed carry is allowed in the “parking lot,” subject to certain conditions. An *unloaded* firearm may be possessed in a parking area – provided the firearm may be stored out of plain view (i.e., in a glove compartment, console, trunk, firearm carrying box, etc.). A licensee can also carry an *unloaded* firearm in the immediate area surrounding his vehicle for the purpose of storing or retrieving the firearm.

Signage

The law also requires “clearly and conspicuously” posting 4” x 6” signs approved by the Illinois State Police (ISP) at the entrance of each prohibited area. The ISP recently issued a sample sign that members may use. The ISP’s sample sign contains no text other than a reference to the statutory provision authorizing the sign. Members may post larger signage in *addition* to the mandated sign but not *in lieu* of the four-by-six inch sign. News sources have reported there are legislative proposals to modify the mandated signage requirements to provide greater discretion.

Enforcement and Regulations

The Concealed Carry Act contains many ambiguities subject to judicial scrutiny, interpretation and direction in the years to come. In addition, ISP has not yet issued its final regulations, so there will be some uncertainty until these issues are addressed by regulations and/or resolved in the courts.

Currently, the act does not provide for statutory damages, fines or penalties for violations. With the given uncertainties associated with the law, PDRMA encourages members to err on the side of caution and safety by adopting policies that clearly prohibit weapons of any kind in the workplace.

Law Enforcement Objections

The Illinois State Police have until Jan. 6, 2014, to adopt rules for issuing licenses to carry concealed handguns. Objections by local law enforcement agencies (including park/forest preserve/conservation district police) to issuing such a license must be made within 30 days after the applicant’s information is entered into the police database. Since the new law does not provide for notification of a licensee application, member law enforcement departments must monitor the database for applications. The Illinois State Police maintain a website for [frequently asked questions](#) related to the [Concealed Carry law](#).

Employer Rights and Workplace Policies

Many PDRMA members currently have policies prohibiting employees from carrying firearms on member premises, in member-owned vehicles, while on member business, and during member-sponsored activities/events. While the new statute is not entirely clear on this issue, it appears the intent of the new law is *not* to impact those existing policies.

Currently, Illinois has no employer-specific regulations or exceptions, so many common sense questions remain unanswered:

- Is there a right to prohibit concealed weapons at off-site meetings?
- What about employees who work in the field?
- What about employees who travel?
- What about work-related functions?

- What about agency vehicles or personal vehicles used for agency business?

As noted earlier, the law will develop over time. In the interim, PDRMA encourages members to work with their corporate counsel to develop handbook policies that acknowledge the right to carry weapons but prohibit concealed carry to the fullest extent of the law (zero-tolerance). Sample policies can read as follows:

“The District/SRA maintains a zero-tolerance, weapon-free workplace policy. No employee is authorized to possess a firearm or weapon on any District/SRA property (including agency vehicles) or while engaged in agency business, except as permitted by, and in strict accordance with, applicable state law. A violation of this policy may result in immediate termination.”

“Employees are prohibited from displaying, brandishing, discharging or otherwise using any and all weapons, including concealed firearms, within the workplace, during work functions, or while engaged in any business on behalf of the agency. Making threats, engaging in acts of violence, or bullying, especially if a weapon is involved, will not be tolerated and will result in immediate discharge.”

Members should consult with corporate counsel and/or PDRMA legal counsel before disciplining or terminating any employee suspected of violating such policies.

PDRMA Recommendations

PDRMA recommends the following:

1. Review your agency’s current ordinances in light of the new law under the guidance of your corporate counsel.
2. We also suggest you update your operational policies to ensure correct procedures are in place for enforcing the new law.
3. We recommend posting signage that complies with the current ISP standard at the entrances to prohibited areas. PDRMA has negotiated a bulk discount rate on such signage, with the choice of a sticker or plastic sign. Click [here](#) to place your order through OneStep Printing.