

Chicago Police Department Department Notice D13-10

Firearm Concealed Carry Act

Issue Date: 09 July 2013 Effective Date: 09 July 2013

Rescinds: AMC # 209351 Issued on 8 July 2013

Index Category: Department Notice

I. Purpose

This notice informs members that:

A. the Firearm Concealed Carry Act:

1. allows individuals in possession of a concealed carry license (CCL) in the State of Illinois to:
 - a. carry a loaded or unloaded concealed handgun, fully concealed or partially concealed, on or about his or her person, and
 - b. keep or carry a loaded or unloaded concealed firearm on or about his or her person within a vehicle.
2. preempts the City's municipal home rule authority to regulate the licensing and registration of handguns, the possession of handguns by individuals who have a valid Firearm Owner's Identification Card (FOID) or CCL, and the transportation of any type of firearm.

B. certain Illinois Compiled Statutes (ILCS) and Municipal Code of Chicago (MCC) ordinances are affected by this Act.

C. those licensed to carry concealed firearms under this Act are prohibited from doing so in certain circumstances and in certain areas.

D. possession of a firearm in public in and of itself is not a violation of the law.

II. General Information

A. The Illinois State Police (ISP) is responsible for issuing Concealed Carry Licenses.

NOTE:

Pursuant to the Act, it may be up to 270 days before ISP issues a CCL.

B. To obtain a CCL, applicants must meet the qualifications as required in the Act, including but not limited to:

1. being at least 21 years of age, and
2. possessing a current Firearm Owner's Identification Card (FOID), if a resident of Illinois.

NOTE:

Non-Illinois residents may also qualify for a CCL.

C. A CCL licensee is required to possess a valid CCL at all times when carrying a loaded concealed firearm absent the following exceptions:

1. a licensee is carrying or possessing a concealed firearm on his or her land or in his or her abode, or fixed place of business.
2. a licensee is carrying or possessing a concealed firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.
3. the handgun is broken down in a non-functioning state, is not immediately accessible, or is unloaded and enclosed in a case.

D. During investigatory stops, including but not limited to, traffic stops of a licensee who is carrying a concealed handgun, upon the request of the officer, the licensee must:

1. disclose to the officer that he or she is in possession of a concealed firearm under the Firearm Concealed Carry Act;
2. present the CCL and FOID card; and
3. identify the location of the concealed handgun.

E. Failure to carry a CCL is a violation of the Act and is not a UUW violation in and of itself.

F. The Act does not require those already exempt pursuant to (UUW) 720 ILCS 5/24-2 (including law enforcement officers) and the Federal Law Enforcement Officers Safety Act 2004 to possess and carry a CCL.

III. Prohibitions

A. Pursuant to the Act, a CCL licensee shall not knowingly carry a concealed handgun into following prohibited areas:

1. any building, real property, and parking area under the control of a public or private elementary or secondary school.
2. 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 pre-school or child care facility.
3. any building, parking area, or portion of a building under the control of an officer of the executive or legislative branch of government, provided that nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Illinois Department of Natural Resources or any other designated public hunting area.
4. any building designated for matters before a circuit court, appellate court, or the Supreme Court, or any building or portion of a building under the control of the Supreme Court.
5. any building or portion of a building under the control of a unit of local government.
6. any building, real property, and parking area under the control of an adult or juvenile detention or correctional institution, prison, or jail.
7. any building, real property, and parking area under the control of a public or private hospital or hospital affiliate, mental health facility, or nursing home.
8. any bus, train, or form of transportation paid for in whole or in part with public funds, and any building, real property, and parking area under the control of a public transportation facility paid for in whole or in part with public funds.
9. any building, real property, and parking area under the control of an establishment that serves alcohol on its premises, if more than 50 % of gross receipts is from the sale of alcohol.
10. 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.
11. any building or real property that has been issued a Special Event Retailer's License as defined in Section 1-3.17.1 of the Liquor Control Act during the time designated for the sale of alcohol by the Special Event Retailer's License, or a special use permit license as defined in subsection (q) of Section 5-1 of the Liquor Control Act during the time designated for the sale of alcohol by the license.
12. any public playground.
13. any public park, athletic area, or athletic facility under the control of a municipality or park district, provided 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.
14. any real property under the control of the Cook County Forest Preserve District.

15. any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization property, whether owned or leased, and any real property, including parking areas, sidewalks, and common areas under the control of a public or private community college, college, or university.

16. any building, real property, or parking area under the control of a gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975, including an inter-track wagering location licensee.

17. any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event.

18. any building, real property, or parking area under the control of a public library.

19. any building, real property, or parking area under the control of an airport.

20. any building, real property, or parking area under the control of an amusement park.

21. any building, real property, or parking area under the control of a zoo or museum.

22. any street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission. The licensee shall not under any circumstance store a firearm or ammunition in his or her vehicle or in a compartment or container within a vehicle located anywhere in or on the street, driveway, parking area, property, building, or facility described in this paragraph.

23. any area where firearms are prohibited under federal law.

24. nothing in the Act shall prohibit a public or private community college, college, or university from:

a. prohibiting persons from carrying a firearm within a vehicle owned, leased, or controlled by the college or university;

b. developing resolutions, regulations, or policies regarding student, employee, or visitor misconduct and discipline, including suspension and expulsion;

c. developing resolutions, regulations, or policies regarding the storage or maintenance of firearms, which must include designated areas where persons can park vehicles that carry firearms; and

d. permitting the carrying or use of firearms for the purpose of instruction and curriculum of officially recognized programs, including but not limited to, military science and law enforcement training programs, or in any designated area used for hunting purposes or target shooting.

EXCEPTION:

1. A CCL licensee shall be permitted to carry a concealed firearm on or about his or her person within a vehicle into the parking area of a prohibited area and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. A licensee may carry a concealed firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, provided the licensee ensures the concealed firearm is unloaded prior to exiting the vehicle. For purposes of this exception, "case" includes a glove compartment or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other container.

EXCEPTION:

1. A CCL licensee shall be permitted to carry a concealed firearm while he or she is traveling along a public right of way that touches or crosses any of the prohibited areas if the concealed firearm is carried on his or her person in accordance with the provisions of the Act or is being transported in a vehicle by the licensee in accordance with all other applicable provisions of law.

B. Private Property

The owner of private real property of any type may prohibit the carrying of concealed firearms on the property under his or her control. The owner must post a sign in accordance with the Act, indicating that firearms are prohibited on the property, unless the property is a private residence.

C. Situational Restrictions

A CCL licensee is prohibited from carrying a concealed handgun while under the influence of alcohol, other drug or drugs, intoxicating compound or combination of compounds, or any combination thereof, under the standards set forth in subsection (a) of Section 11-501 of the Illinois Vehicle Code.

IV. Procedures

A. Members will be aware that the appropriate ILCS UUW charge is based upon whether the subject has been issued of a valid CCL.

B. Pursuant to 720 ILCS 5/24-2, individuals issued a valid CCL will be exempt from the following UUW statutes:

1. 720 ILCS 5/24-1(a)(4) carries or possesses in any vehicle or conceal on or about his/her person except when on his/her land or in home.

2. 720 ILCS 5/24-1(a)(10) carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city.

C. Under certain circumstances, individuals issued a valid CCL will not be charged with 720 ILCS 5/24-1.6(a) "Aggravated Unlawful Use of a Weapon." Below is the verbatim text of the amended 720 ILCS 5/24-1.6 "Aggravated Unlawful Use of a Weapon" statute:

720 ILCS 5/24-1.6 Aggravated Unlawful Use of a Weapon

a. A person commits the offense of aggravated unlawful use of a weapon when he or she knowingly:

(1) carries on or about his or her person or in any vehicle or concealed on or about his or her person except when on his or her land or in his or her abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm;

(2) Carries or possesses on or about his or her person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his or her own land or in his or her own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm; and

(3) One of the following factors is present:

(A) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, loaded, and immediately accessible at the time of the offense;

(A-5) the pistol, revolver, or handgun possessed was uncased, loaded, and immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act; or

(B) the firearm, other than a pistol, revolver, or handgun, possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense; or

(B-5) the pistol, revolver, or handgun possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense and the person possessing the pistol, revolver, or handgun has not been issued a currently valid license under the Firearm Concealed Carry Act; or

(C) the person possessing the firearm has not been issued a currently valid Firearm Owner's Identification Card; or

(D) the person possessing the weapon was previously adjudicated a delinquent minor under the Juvenile Court Act of 1987 for an act that if committed by an adult would be a felony; or

(E) the person possessing the weapon was engaged in a misdemeanor violation of the Cannabis Control Act, in a misdemeanor violation of the Illinois Controlled Substances Act, or in a misdemeanor violation of the Methamphetamine Control and Community Protection Act; or

(F) (BLANK), or

(G) the person possessing the weapon had a order of protection issued against him or her within the previous 2 years; or

(H) the person possessing the weapon was engaged in the commission or attempted commission of a misdemeanor involving the use or threat of violence against the person or property of another; or

(I) the person possessing the weapon was under 21 years of age and in possession of a handgun as defined in Section 24-3, unless the person under 21 is engaged in lawful activities under the Wildlife Code or described in subsection 24-2(b)(1), (b)(3), or 24-2(f).

(a-5) "Handgun" as used in this Section has the meaning given to it in Section 5 of the Firearm Concealed Carry Act.

(b) "Stun gun or taser" as used in this Section has the same definition given to it in Section 24-1 of this Code.

(c) This Section does not apply to or affect the transportation or possession of weapons that:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

D. Members will not enforce the following city ordinances:

1. 8-4-010(i) – Disorderly Conduct in that a person carries in a threatening or menacing manner, without authority of law, any pistol or revolver or conceals said weapon on or about the person or vehicle.

2. 8-20-020 – Unlawful Possession of Handguns

3. 8-20-030 – Unlawful Possession of Long Guns

4. 8-20-035 – Unlawful Possession of Unregisterable Firearms – relative to 8-20-170(b) and (c)

5. 8-20-040 – Firearm Kept or Maintained in a Home

6. 8-20-080 – Possession of Ammunition

7. 8-20-110 – Chicago Firearm Permit (CFP) - Required

8. 8-20-140 – Firearm Registration Certificate – Required

9. 8-20-180 – CFP and Registration Certificate – General Provisions

10. 8-20-185 – Additional Duties.

E. Seizure and Forfeiture of Firearms

Members will only enforce MCC 8-20-250 "Seizure and Forfeiture of Firearms" under the following circumstances:

1. if the possessor of the firearm does not have either a FOID card or a CCL and the weapon is not lawfully transported.

NOTE:

Pursuant to 720 ILCS 5/24, the proper transportation of weapons is defined as the weapon being:

a. broken down in a non-functioning state; or

b. not immediately accessible; or

c. unloaded and is enclosed in a case, in a firearm carrying box, shipping box, or other container (e.g., closed glove compartment or closed center console).

2. the firearm is a sawed-off shotgun, .50 caliber rifle, short barrel rifle, machine gun, or assault weapon.

3. the seized object is a laser sight, firearm silencer, or muffler.

F. Impoundments

Members may only impound a vehicle pursuant to MCC 8-20-070 "Possession of Firearm" under the following three circumstances:

1. if the U UW offender does not have either a FOID card or a CCL and the weapon is not lawfully transported.

2. if the vehicle contains a sawed-off shotgun, .50 caliber rifle, short barrel rifle, machine gun, or assault weapon.

3. if vehicle contains a laser sight, firearm silencer, or muffler.

G. Members will contact the Cook County Assistant State's Attorney's Felony Review office for further guidance in regards to Unlawful Use of Weapons charges.

V. Conflict Provision

If the procedures in this directive conflict with the provisions of the Department directives entitled "Unlawful Use of Weapons Arrest," "Felony Review by Cook County State's Attorney," or any other Department directive, the procedures of this directive will take precedence.

Garry F. McCarthy

Superintendent of Police

13-090 AMR

PHONE BOOK:

1.

Cook County State's Attorney - Felony Review

2650 S. California Ave., Room 14C10

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