



Sen. John J. Cullerton

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09800HB1453sam002

LRB098 07060 MRW 47193 a

1 AMENDMENT TO HOUSE BILL 1453

2 AMENDMENT NO. _____. Amend House Bill 1453 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if House Bill 183 of the 98th
5 General Assembly becomes law, then the Firearm Concealed Carry
6 Act is amended by changing Sections 10 and 65 as follows:

7 (09800HB0183enr, Sec. 10)

8 Sec. 10. Issuance of licenses to carry a concealed firearm.

9 (a) The Department shall issue a license to carry a
10 concealed firearm under this Act to an applicant who:

11 (1) meets the qualifications of Section 25 of this Act;

12 (2) has provided the application and documentation
13 required in Section 30 of this Act;

14 (3) has submitted the requisite fees; and

15 (4) does not pose a danger to himself, herself, or
16 others, or a threat to public safety as determined by the

1 Concealed Carry Licensing Review Board in accordance with
2 Section 20.

3 (b) The Department shall issue a renewal, corrected, or
4 duplicate license as provided in this Act.

5 (c) A license shall be valid throughout the State for a
6 period of 5 years from the date of issuance. A license shall
7 permit the licensee to :

8 (1) carry a loaded or unloaded concealed firearm, fully
9 concealed or partially concealed, on or about his or her
10 person; and

11 (2) keep or carry a loaded or unloaded concealed
12 firearm on or about his or her person within a vehicle.

13 (d) The Department shall make applications for a license
14 available no later than 180 days after the effective date of
15 this Act. The Department shall establish rules for the
16 availability and submission of applications in accordance with
17 this Act.

18 (e) An application for a license submitted to the
19 Department that contains all the information and materials
20 required by this Act, including the requisite fee, shall be
21 deemed completed. Except as otherwise provided in this Act, no
22 later than 90 days after receipt of a completed application,
23 the Department shall issue or deny the applicant a license.

24 (f) The Department shall deny the applicant a license if
25 the applicant fails to meet the requirements under this Act or
26 the Department receives a determination from the Board that the

1 applicant is ineligible for a license. The Department must
2 notify the applicant stating the grounds for the denial. The
3 notice of denial must inform the applicant of his or her right
4 to an appeal through administrative and judicial review.

5 (g) A licensee shall possess a license at all times the
6 licensee carries a concealed firearm except:

7 (1) when the licensee is carrying or possessing a
8 concealed firearm on his or her land or in his or her
9 abode, legal dwelling, or fixed place of business, or on
10 the land or in the legal dwelling of another person as an
11 invitee with that person's permission;

12 (2) when the person is authorized to carry a firearm
13 under Section 24-2 of the Criminal Code of 2012, except
14 subsection (a-5) of that Section; or

15 (3) when the handgun is broken down in a
16 non-functioning state, is not immediately accessible, or
17 is unloaded and enclosed in a case.

18 (h) If an officer of a law enforcement agency initiates an
19 investigative stop, including but not limited to a traffic
20 stop, of a licensee who is carrying a concealed firearm, upon
21 the request of the officer the licensee shall immediately
22 disclose to the officer that he or she is in possession of a
23 concealed firearm under this Act, present the license upon the
24 request of the officer, and identify the location of the
25 concealed firearm.

26 (i) The Department shall maintain a database of license

1 applicants and licensees. The database shall be available to
2 all federal, State, and local law enforcement agencies, State's
3 Attorneys, the Attorney General, and authorized court
4 personnel. Within 180 days after the effective date of this
5 Act, the database shall be searchable and provide all
6 information included in the application, including the
7 applicant's previous addresses within the 10 years prior to the
8 license application and any information related to violations
9 of this Act. No law enforcement agency, State's Attorney,
10 Attorney General, or member or staff of the judiciary shall
11 provide any information to a requester who is not entitled to
12 it by law.

13 (j) No later than 10 days after receipt of a completed
14 application, the Department shall enter the relevant
15 information about the applicant into the database under
16 subsection (i) of this Section which is accessible by law
17 enforcement agencies.

18 (Source: 09800HB0183enr.)

19 (09800HB0183enr, Sec. 65)

20 Sec. 65. Prohibited areas.

21 (a) A licensee under this Act shall not knowingly carry a
22 firearm on or into:

23 (1) Any building, real property, and parking area under
24 the control of a public or private elementary or secondary
25 school.

1 (2) Any building, real property, and parking area under
2 the control of a pre-school or child care facility,
3 including any room or portion of a building under the
4 control of a pre-school or child care facility. Nothing in
5 this paragraph shall prevent the operator of a child care
6 facility in a family home from owning or possessing a
7 firearm in the home or license under this Act, if no child
8 under child care at the home is present in the home or the
9 firearm in the home is stored in a locked container when a
10 child under child care at the home is present in the home.

11 (3) Any building, parking area, or portion of a
12 building under the control of an officer of the executive
13 or legislative branch of government, provided that nothing
14 in this paragraph shall prohibit a licensee from carrying a
15 concealed firearm onto the real property, bikeway, or trail
16 in a park regulated by the Department of Natural Resources
17 or any other designated public hunting area or building
18 where firearm possession is permitted as established by the
19 Department of Natural Resources under Section 1.8 of the
20 Wildlife Code.

21 (4) Any building designated for matters before a
22 circuit court, appellate court, or the Supreme Court, or
23 any building or portion of a building under the control of
24 the Supreme Court.

25 (5) Any building or portion of a building under the
26 control of a unit of local government.

1 (6) Any building, real property, and parking area under
2 the control of an adult or juvenile detention or
3 correctional institution, prison, or jail.

4 (7) Any building, real property, and parking area under
5 the control of a public or private hospital or hospital
6 affiliate, mental health facility, or nursing home.

7 (8) Any bus, train, or form of transportation paid for
8 in whole or in part with public funds, and any building,
9 real property, and parking area under the control of a
10 public transportation facility paid for in whole or in part
11 with public funds.

12 (9) Any building, real property, and parking area under
13 the control of an establishment that serves alcohol on its
14 premises, if more than 50% of the establishment's gross
15 receipts within the prior 3 months is from the sale of
16 alcohol. The owner of an establishment who knowingly fails
17 to prohibit concealed firearms on its premises as provided
18 in this paragraph or who knowingly makes a false statement
19 or record to avoid the prohibition on concealed firearms
20 under this paragraph is subject to the penalty under
21 subsection (c-5) of Section 10-1 of the Liquor Control Act
22 of 1934.

23 (10) Any public gathering or special event conducted on
24 property open to the public that requires the issuance of a
25 permit from the unit of local government, provided this
26 prohibition shall not apply to a licensee who must walk

1 through a public gathering in order to access his or her
2 residence, place of business, or vehicle.

3 (11) Any building or real property that has been issued
4 a Special Event Retailer's license as defined in Section
5 1-3.17.1 of the Liquor Control Act during the time
6 designated for the sale of alcohol by the Special Event
7 Retailer's license, or a Special use permit license as
8 defined in subsection (q) of Section 5-1 of the Liquor
9 Control Act during the time designated for the sale of
10 alcohol by the Special use permit license.

11 (12) Any public playground.

12 (13) Any public park, athletic area, or athletic
13 facility under the control of a municipality or park
14 district, provided nothing in this Section shall prohibit a
15 licensee from carrying a concealed firearm while on a trail
16 or bikeway if only a portion of the trail or bikeway
17 includes a public park.

18 (14) Any real property under the control of the Cook
19 County Forest Preserve District.

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

1 (16) Any building, real property, or parking area under
2 the control of a gaming facility licensed under the
3 Riverboat Gambling Act or the Illinois Horse Racing Act of
4 1975, including an inter-track wagering location licensee.

5 (17) Any stadium, arena, or the real property or
6 parking area under the control of a stadium, arena, or any
7 collegiate or professional sporting event.

8 (18) Any building, real property, or parking area under
9 the control of a public library.

10 (19) Any building, real property, or parking area under
11 the control of an airport.

12 (20) Any building, real property, or parking area under
13 the control of an amusement park.

14 (21) Any building, real property, or parking area under
15 the control of a zoo or museum.

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

25 (23) Any area where firearms are prohibited under
26 federal law.

1 (a-5) Nothing in this Act shall prohibit a public or
2 private community college, college, or university from:

3 (1) prohibiting persons from carrying a firearm within
4 a vehicle owned, leased, or controlled by the college or
5 university;

6 (2) developing resolutions, regulations, or policies
7 regarding student, employee, or visitor misconduct and
8 discipline, including suspension and expulsion;

9 (3) developing resolutions, regulations, or policies
10 regarding the storage or maintenance of firearms, which
11 must include designated areas where persons can park
12 vehicles that carry firearms; and

13 (4) permitting the carrying or use of firearms for the
14 purpose of instruction and curriculum of officially
15 recognized programs, including but not limited to military
16 science and law enforcement training programs, or in any
17 designated area used for hunting purposes or target
18 shooting.

19 (a-10) The owner of private real property of any type may
20 prohibit the carrying of concealed firearms on the property
21 under his or her control. The owner must post a sign in
22 accordance with subsection (d) of this Section indicating that
23 firearms are prohibited on the property, unless the property is
24 a private residence.

25 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
26 this Section except under paragraph (22) or (23) of subsection

1 (a), any licensee prohibited from carrying a concealed firearm
2 into the parking area of a prohibited location specified in
3 subsection (a), (a-5), or (a-10) of this Section shall be
4 permitted to carry a concealed firearm on or about his or her
5 person within a vehicle into the parking area and may store a
6 firearm or ammunition concealed in a case within a locked
7 vehicle or locked container out of plain view within the
8 vehicle in the parking area. A licensee may carry a concealed
9 firearm in the immediate area surrounding his or her vehicle
10 within a prohibited parking lot area only for the limited
11 purpose of storing or retrieving a firearm within the vehicle's
12 trunk, provided the licensee ensures the concealed firearm is
13 unloaded prior to exiting the vehicle. For purposes of this
14 subsection, "case" includes a glove compartment or console that
15 completely encloses the concealed firearm or ammunition, the
16 trunk of the vehicle, or a firearm carrying box, shipping box,
17 or other container.

18 (c) A licensee shall not be in violation of this Section
19 while he or she is traveling along a public right of way that
20 touches or crosses any of the premises under subsection (a),
21 (a-5), or (a-10) of this Section if the concealed firearm is
22 carried on his or her person in accordance with the provisions
23 of this Act or is being transported in a vehicle by the
24 licensee in accordance with all other applicable provisions of
25 law.

26 (d) Signs stating that the carrying of firearms is

1 prohibited shall be clearly and conspicuously posted at the
2 entrance of a building, premises, or real property specified in
3 subsection (a-10) and paragraph (9) of subsection (a) of this
4 Section as a prohibited area, unless the building or premises
5 is a private residence. Signs shall be of a uniform design as
6 established by the Department and shall be 4 inches by 6 inches
7 in size. The Department shall adopt rules for standardized
8 signs to be used under this subsection.

9 (Source: 09800HB0183enr.)

10 Section 10. If and only if House Bill 183 of the 98th
11 General Assembly becomes law, then the Firearm Owners
12 Identification Card Act is amended by changing Section 8.1 as
13 follows:

14 (430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

15 Sec. 8.1. Notifications to the Department of State Police.

16 (a) The Circuit Clerk shall, in the form and manner
17 required by the Supreme Court, notify the Department of State
18 Police of all final dispositions of cases for which the
19 Department has received information reported to it under
20 Sections 2.1 and 2.2 of the Criminal Identification Act.

21 (b) Upon adjudication of any individual as a mentally
22 disabled person as defined in Section 1.1 of this Act or a
23 finding that a person has been involuntarily admitted, the
24 court shall direct the circuit court clerk to immediately

1 notify the Department of State Police, Firearm Owner's
2 Identification (FOID) department, and shall forward a copy of
3 the court order to the Department.

4 (c) The Department of Human Services shall, in the form and
5 manner prescribed by the Department of State Police, report all
6 information collected under subsection (b) of Section 12 of the
7 Mental Health and Developmental Disabilities Confidentiality
8 Act for the purpose of determining whether a person who may be
9 or may have been a patient in a mental health facility is
10 disqualified under State or federal law from receiving or
11 retaining a Firearm Owner's Identification Card, or purchasing
12 a weapon.

13 (d) If a person is determined to pose a clear and present
14 danger to himself, herself, or to others:

15 (1) by a physician, clinical psychologist, or
16 qualified examiner, ~~law enforcement official, or school~~
17 ~~administrator,~~ or is determined to be developmentally
18 disabled by a physician, clinical psychologist, or
19 qualified examiner, whether employed by the State or
20 privately ~~by a private mental health facility,~~ then the
21 physician, clinical psychologist, or qualified examiner
22 shall, within 24 hours of making the determination, notify
23 the Department of Human Services that the person poses a
24 clear and present danger or is developmentally disabled; or

25 (2) by a law enforcement official or school
26 administrator, then the law enforcement official or school

1 administrator shall, within 24 hours of making the
2 determination, notify the Department of State Police that
3 the person poses a clear and present danger.

4 The Department of Human Services shall immediately update
5 its records and information relating to mental health and
6 developmental disabilities, and if appropriate, shall notify
7 the Department of State Police in a form and manner prescribed
8 by the Department of State Police. The Department of State
9 Police shall determine whether to revoke the person's Firearm
10 Owner's Identification Card under Section 8 of this Act. Any
11 information disclosed under this subsection shall remain
12 privileged and confidential, and shall not be redisclosed,
13 except as required under subsection (e) of Section 3.1 of this
14 Act, nor used for any other purpose. The method of providing
15 this information shall guarantee that the information is not
16 released beyond what is necessary for the purpose of this
17 Section and shall be provided by rule by the Department of
18 Human Services. The identity of the person reporting under this
19 Section shall not be disclosed to the subject of the report.
20 The physician, clinical psychologist, qualified examiner, law
21 enforcement official, or school administrator making the
22 determination and his or her employer shall not be held
23 criminally, civilly, or professionally liable for making or not
24 making the notification required under this subsection, except
25 for willful or wanton misconduct.

26 (e) The Department of State Police shall adopt rules to

1 implement this Section.

2 (Source: P.A. 97-1131, eff. 1-1-13; 09800HB0183enr.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".