

104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1110

Introduced 1/9/2025, by Rep. Jed Davis

SYNOPSIS AS INTRODUCED:

New Act

Creates the Gun-Free Zone Liability Act. Provides that the State is liable for harm or damage suffered by a concealed carry licensee or any individual otherwise legally entitled to carry a firearm if the harm or damage occurs in a gun-free zone, as defined by State law, and the harm or damage could have been reasonably avoided if the individual had been allowed to carry his or her concealed firearm in that gun-free zone. Provides that liability includes, but is not limited to, medical expenses, compensation for pain and suffering, loss of income, property damage, and wrongful death claims brought by the victim's estate. Provides that the plaintiff must establish by a preponderance of the evidence that the harm or damage suffered could have been reasonably avoided or mitigated if the plaintiff had been permitted to carry a concealed firearm, and that the plaintiff is otherwise in compliance with all applicable laws and regulations regarding firearm possession and use. Provides exceptions. Provides that any individual who is harmed, if the harm or damage occurred in a gun-free zone, may bring a civil action against the State of Illinois in the circuit court of the county of the plaintiff's residence. Provides that if the plaintiff prevails, he or she is entitled to full compensatory damages, court costs, and reasonable attorney's fees, and any other relief the court deems just and equitable. Contains a severability provision. Defines terms. Effective immediately.

LRB104 06401 RLC 16437 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Gun-Free Zone Liability Act.

6 Section 5. Findings.

7 (a) The General Assembly finds as follows:

8 (1) the Second Amendment to the United States
9 Constitution guarantees the right of individuals to keep
10 and bear arms for self-defense;

11 (2) the State of Illinois permits individuals to carry
12 firearms under the Firearm Concealed Carry Act;

13 (3) certain areas are designated as gun-free zones
14 under Illinois law, where the possession of firearms is
15 prohibited regardless of a person's concealed carry
16 license status; and

17 (4) individuals who are prohibited from carrying
18 firearms in gun-free zones may be unable to defend
19 themselves effectively, which could result in harm or
20 damage that may have been avoidable if they were allowed
21 to carry a firearm.

22 (b) It is in the public interest to hold the State of
23 Illinois accountable for harm or damages suffered in such

1 circumstances to ensure fairness and personal safety.

2 Section 10. Definitions. In this Act:

3 "Concealed carry licensee" means a person who holds a
4 valid concealed carry license under the Firearm Concealed
5 Carry Act.

6 "Gun-free zone" means any location or premises where the
7 possession of firearms is prohibited by State law, including,
8 but not limited to, areas identified under section 65 of the
9 Firearm Concealed Carry Act.

10 "Harm" means any physical injury, emotional distress, loss
11 of life, or property damage incurred as a direct result of an
12 incident in a gun-free zone that could have been reasonably
13 avoided if the individual were permitted to carry a firearm.

14 Section 15. Liability for avoidable harm in gun-free
15 zones. The State of Illinois is liable for harm or damage
16 suffered by a concealed carry licensee or any individual
17 otherwise legally entitled to carry a firearm if the harm or
18 damage occurs in a gun-free zone, as defined by State law, and
19 the harm or damage could have been reasonably avoided if the
20 individual had been allowed to carry his or her concealed
21 firearm in that gun-free zone. Liability includes, but is not
22 limited to, medical expenses, compensation for pain and
23 suffering, loss of income, property damage, and wrongful death
24 claims brought by the victim's estate.

1 Section 20. Burden of proof. The plaintiff must establish
2 by a preponderance of the evidence that the harm or damage
3 suffered could have been reasonably avoided or mitigated if
4 the plaintiff had been permitted to carry a concealed firearm,
5 and that the plaintiff is otherwise in compliance with all
6 applicable laws and regulations regarding firearm possession
7 and use.

8 Section 25. Exceptions. The State of Illinois is not
9 liable:

10 (1) if the harm or damage occurred as a result of the
11 individual's unlawful conduct;

12 (2) the individual failed to comply with other applicable
13 State or federal firearm laws;

14 (3) the harm was caused by an act of God or a third party
15 not under the control of the State; or

16 (4) the individual was not lawfully entitled to carry a
17 firearm at the time of the incident.

18 Section 30. Damages and remedies. Any individual described
19 in Section 15 who is harmed may bring a civil action against
20 the State of Illinois in the circuit court of the county of the
21 plaintiff's residence. If the plaintiff prevails, he or she is
22 entitled to full compensatory damages, court costs, and
23 reasonable attorney's fees, and any other relief the court

1 deems just and equitable.

2 Section 35. Severability. If any provision of this Act or
3 its application is held invalid, that invalidity shall not
4 affect other provisions or applications of this Act that can
5 be given effect without the invalid provision or application,
6 and to this end, the provisions of this Act are severable.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.