

Concealed Carry and Employer Considerations

Illinois is the 50th state to enact legislation authorizing the concealed carry or partially concealed carrying of firearms. On July 9, 2013, the Illinois Firearm Concealed Carry Act (the “Act”) became effective. 430 ILCS 66/1 *et seq.* Individuals can submit applications to the Illinois State Police to be licensed to carry a concealed firearm. As of February 28, 2014, the Illinois State Police began issuing concealed carry licenses.

This article provides an overview of the Act’s provisions including qualifications to obtain a concealed carry license; where concealed firearms are prohibited; signage requirements to prohibit concealed firearms on property; authority to regulate firearms; what is unclear or not covered by the Act; and employer considerations for compliance with the Act.

What is a concealed firearm?

A “concealed firearm” is a loaded or unloaded firearm carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle. There is no “open carry,” meaning a person cannot carry a firearm in plain view.

What is a handgun?

A “handgun” is any device 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. A handgun does not include a stun-gun or taser, a machine gun, a short barreled rifle or shotgun or a pneumatic gun, spring gun, paint ball gun or B-B gun that expels a single globular projectile not exceeding .18 inches 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.

What is the role of the Illinois State Police?

The Illinois State Police (“ISP”) shall issue a license to carry a concealed firearm to applicants who meet the qualifications discussed below. License applications are available on the [ISP website](#). The ISP has 90 days to issue or deny the applicant a license if the applicant has submitted a full set of electronic fingerprints. If the applicant refuses to submit fingerprints, the ISP may accept the application and take an additional 30 days to process the application.

What are the qualifications to obtain a license to carry a concealed firearm?

To obtain a license, a person must (1) be at least 21 years of age; (2) have a valid Firearm Owner Identification Card (“FOID”) (or meet the qualifications for a FOID card at the time of application); (3) complete 16 hours of firearms training and education; (4) not be convicted of a misdemeanor involving the use or threat of force or violence to anyone within five years of the application; (5) not be convicted of two or more offenses involving driving under the influence of drugs or alcohol within five years of the application; (6) not be the subject of a pending arrest warrant, prosecution or proceeding for any offense that would disqualify the applicant to own or possess a firearm; and (7) not have been in any residential or court-ordered alcohol or drug-treatment program within five years prior to the application.

What can a person do once he or she has a license to carry?

A license is valid for five years from the date of issuance and allows a person to carry a loaded or unloaded firearm, fully concealed or partially concealed, on or about his or her person. It also allows the licensee to keep or carry a loaded or unloaded concealed firearm on or about his or her person and while inside a vehicle.

Where are concealed firearms prohibited?

Persons with a concealed carry license are prohibited from “knowingly” carrying a concealed firearm onto the following properties (“prohibited property”):

- public and private elementary schools, universities, and colleges
- pre-school or child care facilities
- local government buildings
- adult or juvenile detention centers
- correctional facilities
- hospitals, mental health facilities, or nursing homes
- buses, trains and other forms of public transportation
- establishments where more than 50% of gross sales are from alcohol
- public gatherings and special events on property open to the public that requires a permit issued by a unit of the local government (for example, street fairs, “taste of” events, or festivals)
- playgrounds, parks, and athletic fields under the control of a city or park district
- Cook County Forest Preserve District property
- gaming facilities
- public libraries
- airports
- amusement parks, zoos, and museums
- nuclear facilities
- any other area where firearms are prohibited by federal law.

What about carrying a concealed firearm in parking areas of prohibited property?

A person with a concealed carry license is allowed to:

- (1) carry a concealed firearm on or about his or her person inside a vehicle into a parking area;
- (2) store the firearm or ammunition in a “case” within a locked vehicle or locked container out of plain view within the vehicle in the parking area. The Act defines “case” as including “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”; and
- (3) step out of his or her vehicle to store the firearm in the trunk or retrieve it from the trunk, but the firearm must be unloaded before exiting the vehicle.

Do property owners need a sign to prohibit concealed firearms on their property?

Owners of prohibited property must post signs prohibiting concealed firearms on their property.

Public property owners must prohibit employees, other than active law enforcement officers, from carrying concealed firearms into government buildings by posting signs.

Likewise, private property owners that choose to prohibit concealed firearms must post signs unless the property is a private residence.

Signs prohibiting concealed firearms must be posted clearly and conspicuously at the entrances of properties. Signs must be uniform in design as established by ISP and must be 4 inches x 6 inches in size. The approved template for the signage can be found [here](#).

Do governmental entities have any authority to regulate firearms?

The Act prohibits local governmental entities from enacting ordinances or regulations that seek to impose restrictions on regulation, licensing, possession, and registration of firearms and their ammunition for concealed carry licensees and FOID card holders.

Local ordinances regulating assault weapons enacted on or before July 19, 2013 remain valid and may be amended in the future. Local governmental entities that did not pass ordinances or regulations on or before July 19, 2013 are now preempted from regulating assault weapons.

Home rule governmental entities retain authority to tax firearms. They may also regulate (1) persons who do not have a valid FOID card or concealed carry license; (2) firearms other than handguns; and (3) the zoning, sale, transfer, and storage of all firearms.

Can public or private colleges or universities regulate firearms?

A public or private community college, college, or university may:

- (1) prohibit persons from carrying a firearm within a vehicle owned, leased, or controlled by the college or university;
- (2) develop resolutions, regulations, or policies regarding student, employee, or visitor misconduct and discipline, including suspension and expulsion;
- (3) develop 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
- (4) permit 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 designed areas used for hunting purposes or target shooting.

What is unclear or not covered under the Act?

The Act does not (this listing is not intended to be exhaustive):

- (1) address whether an employer has a right to condition employment or continued employment on an employee agreeing not to bring a firearm into a vehicle owned or supplied by the employer, or into homes or businesses of the employer's customers when an employee is rendering services on behalf of the employer;
- (2) address the liability of employers who permit concealed firearms on their properties and a shooting occurs on the premises. Therefore, employers that permit concealed firearms may have liability exposure to workers' compensation claims, negligence claims, tort actions from victims of violence in the workplace, and accompanying negative publicity associated with these types of claims;
- (3) limit the number of concealed firearms a concealed carry licensee is allowed to carry;
- (4) define what "most concealed [firearm] from view of the public" means; and
- (5) define what it means to "knowingly" carry a firearm onto prohibited property.

What about discrimination against persons with concealed carry licenses?

Although the Act does not specifically protect concealed carry licensees from discrimination in the workplace, employees may seek protection under the Illinois Right to Privacy in the Workplace Act, 820 ILCS 55/1 *et seq.* This law prohibits an employer from taking an adverse employment action against an applicant or employee based on lawful conduct off company premises and during non-work hours. While the law does not currently include firearms, it may be argued it is a logical extension of the law that obtaining a license to carry a concealed firearm be included as protected lawful conduct.

What should employers do now?

Public employers and owners of prohibited property areas must post the ISP-approved 4x6 inch sign prohibiting concealed firearms at all entrances of their buildings. It is likewise prudent for these employers (1) to establish a policy clearly stating the prohibition of carrying a firearm in prohibited areas, the requirements for storing a firearm, and the consequences of carrying a weapon in prohibited areas. This policy should be clearly communicated to employees and visitors to the premises; and (2) review employee handbooks to ensure compliance with Illinois' concealed carry law.

Private property owners should determine whether they want to permit employees and visitors with concealed carry licenses to carry concealed firearms in their workplaces. For these employers that choose to prohibit concealed firearms, they should similarly establish and communicate a weapons policy to their employees and visitors and post signage in compliance with the Act.

Business tenants that lease office space within a building should discuss with their landlords their intentions regarding firearm prohibitions. If the landlord decides not to prohibit firearms in the entire building, tenants may seek permission to post the ISP-approved no firearm signage at their individual entrances.

Employers should review their current policies, handbooks, resolutions, leases, and other relevant documents to ensure they are consistent with Illinois' concealed carry law. A resource for answers to frequently asked questions regarding concealed carry is available on the [ISP website](#).

We anticipate developments as Illinois' legislators and activists continue to propose changes to the concealed carry law. Employers should monitor legal developments and consult with counsel as appropriate.

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