



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Presentation of Pending Concealed Carry Legislation

Presenter: Chief Lamkin

Please check appropriate box:

<input checked="" type="checkbox"/>	Government Operations	X	Government Services 6.24.13
<input type="checkbox"/>	Planning & Development		City Council
<input type="checkbox"/>	Public Hearing		

Estimated Cost:	\$N/A	Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

Chief Lamkin will do a presentation on the pending Concealed Carry legislation.

Attachments: *(please list)*

Recommendation / Suggested Action *(briefly explain):*

Presentation of pending Concealed Carry Legislation for review and discussion.

For office use only:

Agenda Item Number: 5.b

Chief Lamkin
St. Charles Police
Department

Concealed Carry Legislation

House Bill 183

Agenda

- ◊ Definitions
- ◊ License – qualifications
- ◊ License – issuance
- ◊ Prohibited areas
 - ◊ Posting of signs
- ◊ Preemption of local laws
- ◊ Current ordinances – amendment necessary
- ◊ Assault Weapons Ban – local ordinances
- ◊ Questions & Comments

Definitions

- **Concealed firearm:** a loaded or unloaded handgun carried on or about a person *completely or mostly concealed* from view of the public or on or about a person within a vehicle.
- **Department:** the Department of *State Police*.
- **Handgun:** any device which is 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*.

Section 25: Qualifications for a License

- A license will be issued if applicant:
 - 1) Is at least ***21 years of age***;
 - 2) Has a currently ***valid Firearm Owner's Identification Card*** and at the time of application meets the requirements for the issuance of a Firearm Owner's Identification Card;
 - 3) Has ***not been convicted or found guilty*** in this State or in any other state of a misdemeanor involving the use or threat of physical force or violence to any person or ***two or more violations related to driving while under the influence of alcohol, other drug or drugs***, within the five years preceding the date of the license application;

Qualifications, continued

- 4) Is *not the subject of a pending arrest warrant, prosecution, or proceeding* for an offense or action that could lead to disqualification to own or possess a firearm;
- 5) Has *not been in residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment* within the five years immediately preceding the date of the license application; and
- 6) Has *completed firearms training* and any education component required.

Section 10: Issuance of Licenses to Carry a Concealed Firearm

- A license shall be issued to an applicant who:
 - 1) Meets the qualifications of the Act;
 - 2) Has provided the application and documentation required in the Act;
 - 3) Has submitted the requisite fee (\$150); and
 - 4) Does not pose a danger to himself, herself, or others, or is a threat to public safety.

Issue of Licenses, continued

- License is *valid for five years* from the date of issuance.
- License permits the licensee to:
 - 1) Carry a loaded or unloaded concealed firearm, *fully concealed or partially concealed*, on or about his or her person; and
 - 2) Keep or carry a loaded or unloaded concealed firearm *on or about his or her person within a vehicle*.
- Licenses shall be available *no later than 180 days* after the effective date of this Act.

Section 15: Objections by Law Enforcement Agencies

- Any law enforcement agency may submit an objection to a license applicant based upon a reasonable suspicion that the *applicant is a danger to himself or herself or others, or a threat to public safety.*

Section 65: Prohibited Areas

- A licensee shall not knowingly carry a firearm on or into any building, real property, and parking area under the control of:
 - 1) a public or private elementary or secondary ***school***.
 - 2) 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.
 - 3) an ***office of the executive or legislative branch of government***, except licensee may carry a concealed firearm onto the real property, bikeway, or trail in a park regulated by the Department of Natural Resources or any other designated public hunting area or building where firearm possession is permitted.

Prohibited Areas, continued

- 4) an adult or juvenile detention or correctional institution, *prison, or jail*.
- 5) a public or private *hospital* or hospital affiliate, mental health facility, or nursing home.
- 6) *an establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior three months is from the sale of alcohol.*
- 7) a *gaming facility* licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975, including an inter-track wagering location licensee.

Prohibited Areas, continued

- A licensee shall not knowingly carry a firearm on or into any:
 - 1) *public library*, airport, amusement park, zoo or museum
 - 2) *public playground, public park, athletic area, or athletic facility under the control of a municipality or park district*
 - 3) real property under the control of the Cook County Forest Preserve District
 - 4) building, classroom, laboratory, medical center, 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

Prohibited Areas, continued

- 5) building designated for matters before a circuit, appellate, or the Supreme Court, or any building or portion of a building under the control of the Supreme Court.
- 6) *building or portion of a building under the control of a unit of local government.*
- 7) *public gathering or special event conducted on property open to the public that requires the issuance of a permit from 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.
- 8) stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event.

Prohibited Areas, continued

- 9) *bus, train, or form of transportation* paid 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.
- 10) 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.
- 11) area where firearms are prohibited under federal law.
- 12) Any building or real property that *has been issued a Special Event Retailer's license* during the time designated for the sale of alcohol by the Special Event Retailer's license, or a Special use permit license during the time designated for the sale of alcohol by the Special use permit license.

Posting of Signs

- o The owner of private real property of any type ***may prohibit the carrying of concealed firearms*** on the property under his or her control.
- o The owner ***must post a sign*** indicating that firearms are prohibited on the property, unless the property is a private residence.
- o Signs shall be of a uniform design as established by the Department and ***shall be 4" x 6" in size.***

Section 70: Violations

- A license issued or renewed shall be revoked if, at any time, the *licensee is found to be ineligible for a license under this Act* or the licensee no longer meets the eligibility requirements of the Firearm Owners Identification Card Act.



Violations, continued

- A license shall be suspended if an *order of protection, including an emergency order of protection, plenary order of protection, or interim order of protection is issued* against a licensee for the duration of the order, or if the Department is made aware of a similar order issued against the licensee in any other jurisdiction.
- A licensee shall not carry a concealed firearm while *under the influence of alcohol, other drug or drugs, intoxicating compound or combination of compounds*, or any combination thereof, under the standards of the Illinois Vehicle Code.

Section 13.1: Preemption

- The regulation, licensing, possession, and registration of handguns and ammunition for a handgun, and the transportation of any firearm and ammunition ***are exclusive powers and functions of this State.***
- Any ordinance or regulation enacted on or before the effective date of this amendatory Act that is inconsistent with this Act ***shall be invalid.***

Chapter 9.60 of City Code

o Chapter 9.60.010 – Prohibited Uses

- Carries concealed weapon to include *pistol, revolver, or other firearm*
 - o in any *vehicle*;
 - o on or about his *person except on his land*;
 - o in his own *abode* or *fixed place of business*.
- Sells, manufactures, purchases, possesses, or carries any weapon capable of firing more than *eight shots* by a single function.

Current City Ordinances

o Chapter 9.60.020 – **Discharge of Firearms**

- It is unlawful to *discharge any firearms*
 - o except an *officer performing duties*;
 - o except a *citizen defending* his person or property;
 - o except when use is permitted by City Council for a memorial service to include burials or *Veterans' events*.

o Chapter 9.60.040 – **Prohibited Locations**

- On any *public supported land* except the Police firing range
 - o except where *sworn police officers* are acting in performance of duties;
 - o any person summoned by an officer to assist.

Assault Weapons Regulation

- Any ordinance or regulation that purports to regulate the possession or ownership of assault weapons in a manner that is inconsistent with this Act, ***shall be invalid unless the ordinance or regulation is enacted on, before, or within 10 days after the effective date*** of this amendatory Act.
- An ordinance enacted on, before, or within ten days after the effective date of this amendatory Act of the 98th General Assembly ***may be amended***.

Questions & Comments