



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5059

Introduced 2/18/2020, by Rep. Brad Halbrook

#### SYNOPSIS AS INTRODUCED:

430 ILCS 66/10

Amends the Firearm Concealed Carry Act. Provides that if an officer of a law enforcement agency initiates an investigative stop, including but not limited to a traffic stop, of a licensee or a non-resident carrying a concealed firearm, the licensee or non-resident shall disclose to the officer that he or she is in possession of a concealed firearm under the Act and present his or her concealed carry license to the officer if he or she is a licensee or present to the officer evidence that he or she is a non-resident qualified to carry under the Act (rather than providing this information upon the request of the officer). Provides that the licensee or non-resident shall also identify the location of the concealed firearm (rather than providing this information upon request of the officer).

LRB101 16594 RLC 65978 b

1 AN ACT concerning safety.

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

4 Section 5. The Firearm Concealed Carry Act is amended by  
5 changing Section 10 as follows:

6 (430 ILCS 66/10)

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

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

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

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

13 (3) has submitted the requisite fees; and

14 (4) does not pose a danger to himself, herself, or  
15 others, or a threat to public safety as determined by the  
16 Concealed Carry Licensing Review Board in accordance with  
17 Section 20.

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

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

23 (1) carry a loaded or unloaded concealed firearm, fully

1           concealed or partially concealed, on or about his or her  
2           person; and

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

5           (d) The Department shall make applications for a license  
6           available no later than 180 days after the effective date of  
7           this Act. The Department shall establish rules for the  
8           availability and submission of applications in accordance with  
9           this Act.

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

16          (f) The Department shall deny the applicant a license if  
17          the applicant fails to meet the requirements under this Act or  
18          the Department receives a determination from the Board that the  
19          applicant is ineligible for a license. The Department must  
20          notify the applicant stating the grounds for the denial. The  
21          notice of denial must inform the applicant of his or her right  
22          to an appeal through administrative and judicial review.

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

25                 (1) when the licensee is carrying or possessing a  
26                 concealed firearm on his or her land or in his or her

1 abode, legal dwelling, or fixed place of business, or on  
2 the land or in the legal dwelling of another person as an  
3 invitee with that person's permission;

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

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

10 (h) If an officer of a law enforcement agency initiates an  
11 investigative stop, including but not limited to a traffic  
12 stop, of a licensee or a non-resident carrying a concealed  
13 firearm under subsection (e) of Section 40 of this Act, ~~upon~~  
14 ~~the request of the officer~~ the licensee or non-resident shall  
15 disclose to the officer that he or she is in possession of a  
16 concealed firearm under this Act ~~and, or~~ present his or her  
17 concealed carry ~~the license to~~ ~~upon the request of~~ the officer  
18 if he or she is a licensee or present to ~~upon the request of~~ the  
19 officer evidence under paragraph (2) of subsection (e) of  
20 Section 40 of this Act that he or she is a non-resident  
21 qualified to carry under that subsection. The disclosure  
22 requirement under this subsection (h) is satisfied if the  
23 licensee presents his or her license to the officer or the  
24 non-resident presents to the officer evidence under paragraph  
25 (2) of subsection (e) of Section 40 of this Act that he or she  
26 is qualified to carry under that subsection. The ~~Upon the~~

1 ~~request of the officer, the~~ licensee or non-resident shall also  
2 identify the location of the concealed firearm and permit the  
3 officer to safely secure the firearm for the duration of the  
4 investigative stop. During a traffic stop, any passenger within  
5 the vehicle who is a licensee or a non-resident carrying under  
6 subsection (e) of Section 40 of this Act must comply with the  
7 requirements of this subsection (h).

8 (h-1) If a licensee carrying a firearm or a non-resident  
9 carrying a firearm in a vehicle under subsection (e) of Section  
10 40 of this Act is contacted by a law enforcement officer or  
11 emergency services personnel, the law enforcement officer or  
12 emergency services personnel may secure the firearm or direct  
13 that it be secured during the duration of the contact if the  
14 law enforcement officer or emergency services personnel  
15 determines that it is necessary for the safety of any person  
16 present, including the law enforcement officer or emergency  
17 services personnel. The licensee or nonresident shall submit to  
18 the order to secure the firearm. When the law enforcement  
19 officer or emergency services personnel have determined that  
20 the licensee or non-resident is not a threat to the safety of  
21 any person present, including the law enforcement officer or  
22 emergency services personnel, and if the licensee or  
23 non-resident is physically and mentally capable of possessing  
24 the firearm, the law enforcement officer or emergency services  
25 personnel shall return the firearm to the licensee or  
26 non-resident before releasing him or her from the scene and

1 breaking contact. If the licensee or non-resident is  
2 transported for treatment to another location, the firearm  
3 shall be turned over to any peace officer. The peace officer  
4 shall provide a receipt which includes the make, model,  
5 caliber, and serial number of the firearm.

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

19 (j) No later than 10 days after receipt of a completed  
20 application, the Department shall enter the relevant  
21 information about the applicant into the database under  
22 subsection (i) of this Section which is accessible by law  
23 enforcement agencies.

24 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-29,  
25 eff. 7-10-15.)