



Rep. Michael J. Zalewski

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LRB098 08475 MRW 41600 a

1 AMENDMENT TO HOUSE BILL 1155

2 AMENDMENT NO. _____. Amend House Bill 1155, AS AMENDED, by
3 inserting the following in its proper numeric sequence:

4 "Section 80. Firearm carry prohibition; schools.

5 (a) No person may knowingly carry a firearm into any
6 preschool, elementary school, or secondary school or any
7 portion of any school building thereof; or any school property
8 surrounding a preschool, elementary school, or secondary
9 school building, including but not limited to sidewalks and
10 parking lot areas adjacent to or near preschool, elementary
11 school, or secondary school property.

12 (b) The exemptions and provisions in subsections (a), (b),
13 (f), (g-6), (g-10), (h), and (i) of Section 24-2 of the
14 Criminal Code of 2012 apply to this Section.

15 (c) The United States Supreme Court in District of Columbia
16 v. Heller, 554 U.S. 570, 128 S.Ct. 2783 (2008) has recognized
17 that the Second Amendment to the United States Constitution

1 does not confer an unlimited right and that states may prohibit
2 the carrying of firearms in sensitive places. The Supreme Court
3 stated in the Heller decision: "Although we do not undertake an
4 exhaustive historical analysis today of the full scope of the
5 Second Amendment, nothing in our opinion should be taken to
6 cast doubt on longstanding prohibitions on the possession of
7 firearms by felons and the mentally ill, or laws forbidding the
8 carrying of firearms in sensitive places such as schools and
9 government buildings . . ." The Supreme Court also noted in a
10 footnote referencing this statement in the Heller decision
11 that: "We identify these presumptively lawful regulatory
12 measures only as examples; our list does not purport to be
13 exhaustive." This recognition was reiterated by the U. S.
14 Supreme Court in *McDonald v. the City of Chicago*, 561 U.S.
15 3025, 130 S.Ct. 3020 (2010), which incorporated the Second
16 Amendment against state action. The Supreme Court again stated:
17 "We made it clear in *Heller* that our holding did not cast doubt
18 on such longstanding regulatory measures as "prohibitions on
19 the possession of firearms by felons and the mentally ill,"
20 "laws forbidding the carrying of firearms in sensitive places
21 such as schools and government buildings . . . We repeat those
22 assurances here." Further, the federal 7th Circuit Court of
23 Appeals in *Moore v. Madigan*, 702 F.3d. 933 (7th Cir., 2012)
24 cited the "sensitive place" statement of the Supreme Court in
25 both the *Heller* and *McDonald* decisions and concluded: "That a
26 legislature can forbid the carrying of firearms in schools and

1 government buildings means that any right to possess a gun for
2 self-defense outside the home is not absolute, and it is not
3 absolute by the Supreme Court's own terms." Therefore, the
4 General Assembly finds that the place or location set forth in
5 subsection (a) of this Section is a sensitive place and the
6 prohibition on the carrying of firearms will promote public
7 safety in this sensitive place."