



Rep. Lou Lang

Filed: 2/25/2013

09800HB1155ham007

LRB098 08475 MRW 41606 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 160. Firearm carry prohibition; library.

5 (a) No person may knowingly carry a firearm into any
6 library, or onto any adjacent property or parking lot area
7 under the control of or owned by a library.

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

11 (c) The United States Supreme Court in District of Columbia
12 v. Heller, 554 U.S. 570, 128 S.Ct. 2783 (2008) has recognized
13 that the Second Amendment to the United States Constitution
14 does not confer an unlimited right and that states may prohibit
15 the carrying of firearms in sensitive places. The Supreme Court
16 stated in the Heller decision: "Although we do not undertake an
17 exhaustive historical analysis today of the full scope of the

1 Second Amendment, nothing in our opinion should be taken to
2 cast doubt on longstanding prohibitions on the possession of
3 firearms by felons and the mentally ill, or laws forbidding the
4 carrying of firearms in sensitive places such as schools and
5 government buildings . . ." The Supreme Court also noted in a
6 footnote referencing this statement in the Heller decision
7 that: "We identify these presumptively lawful regulatory
8 measures only as examples; our list does not purport to be
9 exhaustive." This recognition was reiterated by the U. S.
10 Supreme Court in McDonald v. the City of Chicago, 561 U.S.
11 3025, 130 S.Ct. 3020 (2010), which incorporated the Second
12 Amendment against state action. The Supreme Court again stated:
13 "We made it clear in Heller that our holding did not cast doubt
14 on such longstanding regulatory measures as "prohibitions on
15 the possession of firearms by felons and the mentally ill,"
16 "laws forbidding the carrying of firearms in sensitive places
17 such as schools and government buildings . . . We repeat those
18 assurances here." Further, the federal 7th Circuit Court of
19 Appeals in Moore v. Madigan, 702 F.3d. 933 (7th Cir., 2012)
20 cited the "sensitive place" statement of the Supreme Court in
21 both the Heller and McDonald decisions and concluded: "That a
22 legislature can forbid the carrying of firearms in schools and
23 government buildings means that any right to possess a gun for
24 self-defense outside the home is not absolute, and it is not
25 absolute by the Supreme Court's own terms." Therefore, the
26 General Assembly finds that the place or location set forth in

1 subsection (a) of this Section is a sensitive place and the
2 prohibition on the carrying of firearms will promote public
3 safety in this sensitive place.".