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LRB098 08475 MRW 41513 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 90. Firearm carry prohibition; community college;
5 college; university.

6 (a) Nothing in this Act shall preempt, abridge, limit, or
7 diminish the authority of community colleges, and public and
8 private colleges and universities from prohibiting,
9 restricting or otherwise regulating firearms on or in close
10 proximity to their campuses, grounds and other property,
11 including but not limited to sidewalks, commons, and highways,
12 owned by the school district, community college, or public or
13 private college or university or in buildings used in whole or
14 in part for housing, classrooms, laboratories, medical
15 clinics, hospitals, and artistic, athletic and entertainment
16 venues; or on or in property owned, controlled or leased by
17 officially recognized student organizations or officially

1 recognized university-related organizations.

2 (b) Nothing in this Act shall preempt, abridge, limit or
3 diminish the authority of community colleges, and public and
4 private colleges and universities from prohibiting persons
5 from carrying a firearm into a vehicle owned, leased or
6 controlled by the school districts, community colleges, or
7 public or private college or universities regardless of where
8 the vehicle travels. School districts, community colleges, and
9 public or private colleges or universities may develop
10 resolutions, regulations, or policies regarding the storage
11 and maintenance of firearms, including but not limited to
12 designating areas where individuals may park vehicles that
13 carry firearms. These resolutions, regulations, or policies
14 may specify that persons in violation of the resolutions,
15 regulations, or policies may be denied entrance to the campus,
16 grounds, building, vehicles or other property and subjected to
17 a civil fine of no more than \$1,500 for any violation of the
18 provisions of the resolution, regulation, or policy.

19 (c) Nothing in this Act shall preempt, abridge, limit, or
20 diminish the authority of community colleges, and public or
21 private colleges or universities from taking actions
22 proscribed by their resolutions, regulations, or policies
23 against violations of the resolutions, regulations, or
24 policies, which may qualify as student, employee, or visitor
25 misconduct and may result in discipline, including, but not
26 limited to, expulsion from the school district, community

1 college, or public or private college or university,
2 termination of employment or appointment, or suspension or
3 banning from the school district, community college, or public
4 or private college or university campuses, grounds and other
5 property.

6 (d) Nothing in this Act shall preempt, abridge, limit, or
7 diminish the authority of community colleges, and public or
8 private colleges and universities from permitting the carrying
9 or use of firearms for the purposes of instruction and
10 curriculum of officially recognized programs, such as military
11 science programs. These programs shall be authorized by the
12 chief executive officer of the community college, or public or
13 private college or university or his or her designee.

14 (e) The United States Supreme Court in District of Columbia
15 v. Heller, 554 U.S. 570, 128 S.Ct. 2783 (2008) has recognized
16 that the Second Amendment to the United States Constitution
17 does not confer an unlimited right and that states may prohibit
18 the carrying of firearms in sensitive places. The Supreme Court
19 stated in the Heller decision: "Although we do not undertake an
20 exhaustive historical analysis today of the full scope of the
21 Second Amendment, nothing in our opinion should be taken to
22 cast doubt on longstanding prohibitions on the possession of
23 firearms by felons and the mentally ill, or laws forbidding the
24 carrying of firearms in sensitive places such as schools and
25 government buildings . . ." The Supreme Court also noted in a
26 footnote referencing this statement in the Heller decision

1 that: "We identify these presumptively lawful regulatory
2 measures only as examples; our list does not purport to be
3 exhaustive." This recognition was reiterated by the U. S.
4 Supreme Court in *McDonald v. the City of Chicago*, 561 U.S.
5 3025, 130 S.Ct. 3020 (2010), which incorporated the Second
6 Amendment against state action. The Supreme Court again stated:
7 "We made it clear in *Heller* that our holding did not cast doubt
8 on such longstanding regulatory measures as "prohibitions on
9 the possession of firearms by felons and the mentally ill,"
10 "laws forbidding the carrying of firearms in sensitive places
11 such as schools and government buildings . . . We repeat those
12 assurances here." Further, the federal 7th Circuit Court of
13 Appeals in *Moore v. Madigan*, 702 F.3d. 933 (7th Cir., 2012)
14 cited the "sensitive place" statement of the Supreme Court in
15 both the *Heller* and *McDonald* decisions and concluded: "That a
16 legislature can forbid the carrying of firearms in schools and
17 government buildings means that any right to possess a gun for
18 self-defense outside the home is not absolute, and it is not
19 absolute by the Supreme Court's own terms." Therefore, the
20 General Assembly finds that the place or location set forth in
21 subsection (a) of this Section is a sensitive place and the
22 prohibition on the carrying of firearms will promote public
23 safety in this sensitive place."