



Rep. Deborah Mell

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LRB098 08475 MRW 41613 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 205. Firearm carry prohibition; public
5 transportation.

6 (a) No person may knowingly carry a firearm on buses,
7 trains, or any form of transportation paid for in part or whole
8 with public funds, and any transportation facility and the
9 surrounding premises under its control.

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

13 (c) The United States Supreme Court in District of Columbia
14 v. Heller, 554 U.S. 570, 128 S.Ct. 2783 (2008) has recognized
15 that the Second Amendment to the United States Constitution
16 does not confer an unlimited right and that states may prohibit
17 the carrying of firearms in sensitive places. The Supreme Court

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

1 absolute by the Supreme Court's own terms." Therefore, the
2 General Assembly finds that the place or location set forth in
3 subsection (a) of this Section is a sensitive place and the
4 prohibition on the carrying of firearms will promote public
5 safety in this sensitive place.".