



Rep. Michael J. Zalewski

Filed: 2/25/2013

09800HB1155ham015

LRB098 08475 MRW 41614 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 215. Firearm carry prohibition; park; playground;
5 recreational area.

6 (a) No person may carry a firearm into a public park,
7 playground, or recreational area including parking lots of the
8 park, playground, or recreational area.

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

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

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

1 General Assembly finds that the place or location set forth in
2 subsection (a) of this Section is a sensitive place and the
3 prohibition on the carrying of firearms will promote public
4 safety in this sensitive place.".