



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5986

by Rep. Charles E. Meier

#### SYNOPSIS AS INTRODUCED:

430 ILCS 66/10

Amends the Firearm Concealed Carry Act. If a concealed carry licensee carrying a firearm or a non-resident carrying a firearm in a vehicle as provided in the Act is contacted by emergency services personnel, the emergency services personnel may secure the firearm or direct that it be secured during the duration of the contact if the emergency services personnel determines that it is necessary for the safety of any person present, including the emergency services personnel. Provides that the licensee or nonresident shall submit to the order to secure the firearm. Provides that when emergency services personnel have determined that the licensee or non-resident is not a threat to the safety of any person present, including emergency services personnel, and if the licensee or non-resident is physically and mentally capable of possessing the firearm, the emergency services personnel shall return the firearm to the licensee or non-resident before releasing him or her from the scene and breaking contact. Provides that if the licensee or non-resident is transported for treatment to another location, the firearm shall be turned over to any peace officer. Provides that the peace officer shall provide a receipt which includes the make, model, caliber, and serial number of the firearm.

LRB098 18677 RLC 53820 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Firearm Concealed Carry Act is amended by  
5 changing Section 10 as follows:

6 (430 ILCS 66/10)

7 Sec. 10. Issuance of licenses to carry a concealed firearm.

8 (a) The Department shall issue a license to carry a  
9 concealed firearm under this Act to an applicant who:

10 (1) meets the qualifications of Section 25 of this Act;

11 (2) has provided the application and documentation  
12 required in Section 30 of this Act;

13 (3) has submitted the requisite fees; and

14 (4) does not pose a danger to himself, herself, or  
15 others, or a threat to public safety as determined by the  
16 Concealed Carry Licensing Review Board in accordance with  
17 Section 20.

18 (b) The Department shall issue a renewal, corrected, or  
19 duplicate license as provided in this Act.

20 (c) A license shall be valid throughout the State for a  
21 period of 5 years from the date of issuance. A license shall  
22 permit the licensee to:

23 (1) carry a loaded or unloaded concealed firearm, fully

1           concealed or partially concealed, on or about his or her  
2           person; and

3           (2) keep or carry a loaded or unloaded concealed  
4           firearm on or about his or her person within a vehicle.

5           (d) The Department shall make applications for a license  
6           available no later than 180 days after the effective date of  
7           this Act. The Department shall establish rules for the  
8           availability and submission of applications in accordance with  
9           this Act.

10          (e) An application for a license submitted to the  
11          Department that contains all the information and materials  
12          required by this Act, including the requisite fee, shall be  
13          deemed completed. Except as otherwise provided in this Act, no  
14          later than 90 days after receipt of a completed application,  
15          the Department shall issue or deny the applicant a license.

16          (f) The Department shall deny the applicant a license if  
17          the applicant fails to meet the requirements under this Act or  
18          the Department receives a determination from the Board that the  
19          applicant is ineligible for a license. The Department must  
20          notify the applicant stating the grounds for the denial. The  
21          notice of denial must inform the applicant of his or her right  
22          to an appeal through administrative and judicial review.

23          (g) A licensee shall possess a license at all times the  
24          licensee carries a concealed firearm except:

25                 (1) when the licensee is carrying or possessing a  
26                 concealed firearm on his or her land or in his or her

1 abode, legal dwelling, or fixed place of business, or on  
2 the land or in the legal dwelling of another person as an  
3 invitee with that person's permission;

4 (2) when the person is authorized to carry a firearm  
5 under Section 24-2 of the Criminal Code of 2012, except  
6 subsection (a-5) of that Section; or

7 (3) when the handgun is broken down in a  
8 non-functioning state, is not immediately accessible, or  
9 is unloaded and enclosed in a case.

10 (h) If an officer of a law enforcement agency initiates an  
11 investigative stop, including but not limited to a traffic  
12 stop, of a licensee or a non-resident carrying a concealed  
13 firearm under subsection (e) of Section 40 of this Act, upon  
14 the request of the officer the licensee or non-resident shall  
15 disclose to the officer that he or she is in possession of a  
16 concealed firearm under this Act, present the license upon the  
17 request of the officer if he or she is a licensee or present  
18 upon the request of the officer evidence under paragraph (2) of  
19 subsection (e) of Section 40 of this Act that he or she is a  
20 non-resident qualified to carry under that subsection, and  
21 identify the location of the concealed firearm. During a  
22 traffic stop, any passenger within the vehicle who is a  
23 licensee or a non-resident carrying under subsection (e) of  
24 Section 40 of this Act must comply with the requirements of  
25 this subsection (h).

26 (h-1) If a licensee carrying a firearm or a non-resident

1 carrying a firearm in a vehicle under subsection (e) of Section  
2 40 of this Act is contacted by emergency services personnel,  
3 the emergency services personnel may secure the firearm or  
4 direct that it be secured during the duration of the contact if  
5 the emergency services personnel determines that it is  
6 necessary for the safety of any person present, including the  
7 emergency services personnel. The licensee or nonresident  
8 shall submit to the order to secure the firearm. When emergency  
9 services personnel have determined that the licensee or  
10 non-resident is not a threat to the safety of any person  
11 present, including emergency services personnel, and if the  
12 licensee or non-resident is physically and mentally capable of  
13 possessing the firearm, the emergency services personnel shall  
14 return the firearm to the licensee or non-resident before  
15 releasing him or her from the scene and breaking contact. If  
16 the licensee or non-resident is transported for treatment to  
17 another location, the firearm shall be turned over to any peace  
18 officer. The peace officer shall provide a receipt which  
19 includes the make, model, caliber, and serial number of the  
20 firearm.

21 (i) The Department shall maintain a database of license  
22 applicants and licensees. The database shall be available to  
23 all federal, State, and local law enforcement agencies, State's  
24 Attorneys, the Attorney General, and authorized court  
25 personnel. Within 180 days after the effective date of this  
26 Act, the database shall be searchable and provide all

1 information included in the application, including the  
2 applicant's previous addresses within the 10 years prior to the  
3 license application and any information related to violations  
4 of this Act. No law enforcement agency, State's Attorney,  
5 Attorney General, or member or staff of the judiciary shall  
6 provide any information to a requester who is not entitled to  
7 it by law.

8 (j) No later than 10 days after receipt of a completed  
9 application, the Department shall enter the relevant  
10 information about the applicant into the database under  
11 subsection (i) of this Section which is accessible by law  
12 enforcement agencies.

13 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)