

HB3490



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3490

by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

430 ILCS 66/65

Amends the Firearm Concealed Carry Act. Provides that if a sign is posted stating that the carrying of firearms is prohibited on private real property, the owner of the private real property is civilly liable for damages for any death or injury that occurs on his or her property as a result of prohibiting firearms on the property. Effective immediately.

LRB099 09321 RLC 29526 b

A BILL FOR

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 65 as follows:

6 (430 ILCS 66/65)

7 Sec. 65. Prohibited areas.

8 (a) A licensee under this Act shall not knowingly carry a
9 firearm on or into:

10 (1) Any building, real property, and parking area under
11 the control of a public or private elementary or secondary
12 school.

13 (2) Any building, real property, and parking area under
14 the control of a pre-school or child care facility,
15 including any room or portion of a building under the
16 control of a pre-school or child care facility. Nothing in
17 this paragraph shall prevent the operator of a child care
18 facility in a family home from owning or possessing a
19 firearm in the home or license under this Act, if no child
20 under child care at the home is present in the home or the
21 firearm in the home is stored in a locked container when a
22 child under child care at the home is present in the home.

23 (3) Any building, parking area, or portion of a

1 building under the control of an officer of the executive
2 or legislative branch of government, provided that nothing
3 in this paragraph shall prohibit a licensee from carrying a
4 concealed firearm onto the real property, bikeway, or trail
5 in a park regulated by the Department of Natural Resources
6 or any other designated public hunting area or building
7 where firearm possession is permitted as established by the
8 Department of Natural Resources under Section 1.8 of the
9 Wildlife Code.

10 (4) Any building designated for matters before a
11 circuit court, appellate court, or the Supreme Court, or
12 any building or portion of a building under the control of
13 the Supreme Court.

14 (5) Any building or portion of a building under the
15 control of a unit of local government.

16 (6) Any building, real property, and parking area under
17 the control of an adult or juvenile detention or
18 correctional institution, prison, or jail.

19 (7) Any building, real property, and parking area under
20 the control of a public or private hospital or hospital
21 affiliate, mental health facility, or nursing home.

22 (8) Any bus, train, or form of transportation paid for
23 in whole or in part with public funds, and any building,
24 real property, and parking area under the control of a
25 public transportation facility paid for in whole or in part
26 with public funds.

1 (9) Any building, real property, and parking area under
2 the control of an establishment that serves alcohol on its
3 premises, if more than 50% of the establishment's gross
4 receipts within the prior 3 months is from the sale of
5 alcohol. The owner of an establishment who knowingly fails
6 to prohibit concealed firearms on its premises as provided
7 in this paragraph or who knowingly makes a false statement
8 or record to avoid the prohibition on concealed firearms
9 under this paragraph is subject to the penalty under
10 subsection (c-5) of Section 10-1 of the Liquor Control Act
11 of 1934.

12 (10) Any public gathering or special event conducted on
13 property open to the public that requires the issuance of a
14 permit from the unit of local government, provided this
15 prohibition shall not apply to a licensee who must walk
16 through a public gathering in order to access his or her
17 residence, place of business, or vehicle.

18 (11) Any building or real property that has been issued
19 a Special Event Retailer's license as defined in Section
20 1-3.17.1 of the Liquor Control Act during the time
21 designated for the sale of alcohol by the Special Event
22 Retailer's license, or a Special use permit license as
23 defined in subsection (q) of Section 5-1 of the Liquor
24 Control Act during the time designated for the sale of
25 alcohol by the Special use permit license.

26 (12) Any public playground.

1 (13) Any public park, athletic area, or athletic
2 facility under the control of a municipality or park
3 district, provided nothing in this Section shall prohibit a
4 licensee from carrying a concealed firearm while on a trail
5 or bikeway if only a portion of the trail or bikeway
6 includes a public park.

7 (14) Any real property under the control of the Cook
8 County Forest Preserve District.

9 (15) Any building, classroom, laboratory, medical
10 clinic, hospital, artistic venue, athletic venue,
11 entertainment venue, officially recognized
12 university-related organization property, whether owned or
13 leased, and any real property, including parking areas,
14 sidewalks, and common areas under the control of a public
15 or private community college, college, or university.

16 (16) Any building, real property, or parking area under
17 the control of a gaming facility licensed under the
18 Riverboat Gambling Act or the Illinois Horse Racing Act of
19 1975, including an inter-track wagering location licensee.

20 (17) Any stadium, arena, or the real property or
21 parking area under the control of a stadium, arena, or any
22 collegiate or professional sporting event.

23 (18) Any building, real property, or parking area under
24 the control of a public library.

25 (19) Any building, real property, or parking area under
26 the control of an airport.

1 (20) Any building, real property, or parking area under
2 the control of an amusement park.

3 (21) Any building, real property, or parking area under
4 the control of a zoo or museum.

5 (22) Any street, driveway, parking area, property,
6 building, or facility, owned, leased, controlled, or used
7 by a nuclear energy, storage, weapons, or development site
8 or facility regulated by the federal Nuclear Regulatory
9 Commission. The licensee shall not under any circumstance
10 store a firearm or ammunition in his or her vehicle or in a
11 compartment or container within a vehicle located anywhere
12 in or on the street, driveway, parking area, property,
13 building, or facility described in this paragraph.

14 (23) Any area where firearms are prohibited under
15 federal law.

16 (a-5) Nothing in this Act shall prohibit a public or
17 private community college, college, or university from:

18 (1) prohibiting persons from carrying a firearm within
19 a vehicle owned, leased, or controlled by the college or
20 university;

21 (2) developing resolutions, regulations, or policies
22 regarding student, employee, or visitor misconduct and
23 discipline, including suspension and expulsion;

24 (3) developing resolutions, regulations, or policies
25 regarding the storage or maintenance of firearms, which
26 must include designated areas where persons can park

1 vehicles that carry firearms; and

2 (4) permitting the carrying or use of firearms for the
3 purpose of instruction and curriculum of officially
4 recognized programs, including but not limited to military
5 science and law enforcement training programs, or in any
6 designated area used for hunting purposes or target
7 shooting.

8 (a-10) The owner of private real property of any type may
9 prohibit the carrying of concealed firearms on the property
10 under his or her control. The owner must post a sign in
11 accordance with subsection (d) of this Section indicating that
12 firearms are prohibited on the property, unless the property is
13 a private residence. If a sign is posted stating that the
14 carrying of firearms is prohibited on private real property,
15 the owner of the private real property is civilly liable for
16 damages for any death or injury that occurs on his or her
17 property as a result of prohibiting firearms on the property.

18 (b) Notwithstanding subsections (a), (a-5), and (a-10) of
19 this Section except under paragraph (22) or (23) of subsection
20 (a), any licensee prohibited from carrying a concealed firearm
21 into the parking area of a prohibited location specified in
22 subsection (a), (a-5), or (a-10) of this Section shall be
23 permitted to carry a concealed firearm on or about his or her
24 person within a vehicle into the parking area and may store a
25 firearm or ammunition concealed in a case within a locked
26 vehicle or locked container out of plain view within the

1 vehicle in the parking area. A licensee may carry a concealed
2 firearm in the immediate area surrounding his or her vehicle
3 within a prohibited parking lot area only for the limited
4 purpose of storing or retrieving a firearm within the vehicle's
5 trunk, provided the licensee ensures the concealed firearm is
6 unloaded prior to exiting the vehicle. For purposes of this
7 subsection, "case" includes a glove compartment or console that
8 completely encloses the concealed firearm or ammunition, the
9 trunk of the vehicle, or a firearm carrying box, shipping box,
10 or other container.

11 (c) A licensee shall not be in violation of this Section
12 while he or she is traveling along a public right of way that
13 touches or crosses any of the premises under subsection (a),
14 (a-5), or (a-10) of this Section if the concealed firearm is
15 carried on his or her person in accordance with the provisions
16 of this Act or is being transported in a vehicle by the
17 licensee in accordance with all other applicable provisions of
18 law.

19 (d) Signs stating that the carrying of firearms is
20 prohibited shall be clearly and conspicuously posted at the
21 entrance of a building, premises, or real property specified in
22 this Section as a prohibited area, unless the building or
23 premises is a private residence. Signs shall be of a uniform
24 design as established by the Department and shall be 4 inches
25 by 6 inches in size. The Department shall adopt rules for
26 standardized signs to be used under this subsection.

1 (Source: P.A. 98-63, eff. 7-9-13.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.