



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3298

Introduced 2/16/2018, by Sen. Ira I. Silverstein

SYNOPSIS AS INTRODUCED:

430 ILCS 66/10
430 ILCS 66/12 new
430 ILCS 66/15
430 ILCS 66/87

Amends the Firearm Concealed Carry Act. Requires approval by the local law enforcement agency where the applicant for a concealed carry license resides before the Department of State Police can issue the license. Provides the chief law enforcement officer of the law enforcement agency or sheriff, depending on the residence of the applicant, has 30 days from receipt of the application to review the application and he or she shall approve the applicant unless he or she determines the applicant is unsuitable for a concealed carry license. Provides a finding of unsuitability requires: (1) reliable and credible information that the applicant has exhibited or engaged in behavior that suggests that, if issued a license, the applicant may create a risk to public safety; (2) existing factors that suggest that, if issued a license, the applicant may create a risk to public safety; (3) reasonable suspicion that the applicant is a danger to himself or herself or others; or (4) other reasonable cause exists for denial. Provides if the chief law enforcement officer or sheriff fails to notify the Department of his or her approval or denial of the application within 30 days of receipt of application, the Department of State Police shall consider the application approved and completed, and shall process the application in accordance with the Act. Provides an applicant denied approval by a local law enforcement agency may petition the circuit court in writing in the county of his or her residence for a hearing upon the denial.

LRB100 18824 MRW 34064 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 Sections 10, 15, and 87 and by adding Section 12 as
6 follows:

7 (430 ILCS 66/10)

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

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

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

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

14 (2.5) has been approved by his or her local law
15 enforcement agency under Section 12 of this Act;

16 (3) has submitted the requisite fees; and

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

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

23 (c) A license shall be valid throughout the State for a

1 period of 5 years from the date of issuance. A license shall
2 permit the licensee to:

3 (1) carry a loaded or unloaded concealed firearm, fully
4 concealed or partially concealed, on or about his or her
5 person; and

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

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

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

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

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

3 (1) when the licensee is carrying or possessing a
4 concealed firearm on his or her land or in his or her
5 abode, legal dwelling, or fixed place of business, or on
6 the land or in the legal dwelling of another person as an
7 invitee with that person's permission;

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

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

14 (h) If an officer of a law enforcement agency initiates an
15 investigative stop, including but not limited to a traffic
16 stop, of a licensee or a non-resident carrying a concealed
17 firearm under subsection (e) of Section 40 of this Act, upon
18 the request of the officer the licensee or non-resident shall
19 disclose to the officer that he or she is in possession of a
20 concealed firearm under this Act, or present the license upon
21 the request of the officer if he or she is a licensee or
22 present upon the request of the officer evidence under
23 paragraph (2) of subsection (e) of Section 40 of this Act that
24 he or she is a non-resident qualified to carry under that
25 subsection. The disclosure requirement under this subsection

26 (h) is satisfied if the licensee presents his or her license to

1 the officer or the non-resident presents to the officer
2 evidence under paragraph (2) of subsection (e) of Section 40 of
3 this Act that he or she is qualified to carry under that
4 subsection. Upon the request of the officer, the licensee or
5 non-resident shall also identify the location of the concealed
6 firearm and permit the officer to safely secure the firearm for
7 the duration of the investigative stop. During a traffic stop,
8 any passenger within the vehicle who is a licensee or a
9 non-resident carrying under subsection (e) of Section 40 of
10 this Act must comply with the requirements of this subsection
11 (h).

12 (h-1) If a licensee carrying a firearm or a non-resident
13 carrying a firearm in a vehicle under subsection (e) of Section
14 40 of this Act is contacted by a law enforcement officer or
15 emergency services personnel, the law enforcement officer or
16 emergency services personnel may secure the firearm or direct
17 that it be secured during the duration of the contact if the
18 law enforcement officer or emergency services personnel
19 determines that it is necessary for the safety of any person
20 present, including the law enforcement officer or emergency
21 services personnel. The licensee or nonresident shall submit to
22 the order to secure the firearm. When the law enforcement
23 officer or emergency services personnel have determined that
24 the licensee or non-resident is not a threat to the safety of
25 any person present, including the law enforcement officer or
26 emergency services personnel, and if the licensee or

1 non-resident is physically and mentally capable of possessing
2 the firearm, the law enforcement officer or emergency services
3 personnel shall return the firearm to the licensee or
4 non-resident before releasing him or her from the scene and
5 breaking contact. If the licensee or non-resident is
6 transported for treatment to another location, the firearm
7 shall be turned over to any peace officer. The peace officer
8 shall provide a receipt which includes the make, model,
9 caliber, and serial number of the firearm.

10 (i) The Department shall maintain a database of license
11 applicants and licensees. The database shall be available to
12 all federal, State, and local law enforcement agencies, State's
13 Attorneys, the Attorney General, and authorized court
14 personnel. Within 180 days after the effective date of this
15 Act, the database shall be searchable and provide all
16 information included in the application, including the
17 applicant's previous addresses within the 10 years prior to the
18 license application and any information related to violations
19 of this Act. No law enforcement agency, State's Attorney,
20 Attorney General, or member or staff of the judiciary shall
21 provide any information to a requester who is not entitled to
22 it by law.

23 (j) No later than 10 days after receipt of a completed
24 application, the Department shall enter the relevant
25 information about the applicant into the database under
26 subsection (i) of this Section which is accessible by law

1 enforcement agencies.

2 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13; 99-29,
3 eff. 7-10-15.)

4 (430 ILCS 66/12 new)

5 Sec. 12. Approval by local law enforcement agency.

6 (a) The Department shall submit an application and the
7 results of its investigation under Section 35 of this Act to:

8 (1) the chief law enforcement officer of the law
9 enforcement agency of the municipality where the applicant
10 resides;

11 (2) the county sheriff of the county where the
12 applicant resides if there is no chief law enforcement
13 officer of the law enforcement agency for the municipality
14 where the applicant resides; or

15 (3) the county sheriff if the applicant resides in an
16 unincorporated area of the county.

17 (b) The chief law enforcement officer or sheriff shall
18 review the application and information submitted by the
19 Department, and may conduct his or her own investigation of the
20 applicant. The chief law enforcement officer or sheriff shall
21 approve the application unless he or she determines the
22 applicant is unsuitable to be issued a license under this Act.
23 A determination of unsuitability shall be based upon:

24 (1) reliable and credible information that the
25 applicant has exhibited or engaged in behavior that

1 suggests that, if issued a license, the applicant may
2 create a risk to public safety;

3 (2) existing factors that suggest that, if issued a
4 license, the applicant may create a risk to public safety;

5 (3) reasonable suspicion that the applicant is a danger
6 to himself or herself or others; or

7 (4) other reasonable cause exists for denial.

8 (c) The chief law enforcement officer or sheriff shall
9 notify the Department of his or approval or denial of the
10 application within 30 days of receipt of the information under
11 subsection (a) of this Section. If the chief law enforcement
12 officer or sheriff fail to notify the Department of his or
13 approval or denial within the 30-day period, the Department
14 shall consider the application approved and completed, and
15 shall process the application in accordance with this Act.

16 (430 ILCS 66/15)

17 Sec. 15. Objections by law enforcement agencies.

18 (a) Any law enforcement agency, other than the agency of
19 the chief law enforcement officer or sheriff receiving an
20 application under Section 12 of this Act, may submit an
21 objection to a license applicant under this Section based upon
22 a reasonable suspicion that the applicant is a danger to
23 himself or herself or others, or a threat to public safety. The
24 objection shall be made by the chief law enforcement officer of
25 the law enforcement agency, or his or her designee, and must

1 include any information relevant to the objection. If a law
2 enforcement agency submits an objection under this Section
3 within 30 days after the entry of an applicant into the
4 database, the Department shall submit the objection and all
5 information available to the Board under State and federal law
6 related to the application to the Board within 10 days of
7 completing all necessary background checks.

8 (b) If an applicant has 5 or more arrests for any reason,
9 that have been entered into the Criminal History Records
10 Information (CHRI) System, within the 7 years preceding the
11 date of application for a license, or has 3 or more arrests
12 within the 7 years preceding the date of application for a
13 license for any combination of gang-related offenses, the
14 Department shall object and submit the applicant's arrest
15 record to the extent the Board is allowed to receive that
16 information under State and federal law, the application
17 materials, and any additional information submitted by a law
18 enforcement agency to the Board. For purposes of this
19 subsection, "gang-related offense" is an offense described in
20 Section 12-6.4, Section 24-1.8, Section 25-5, Section 33-4, or
21 Section 33G-4, or in paragraph (1) of subsection (a) of Section
22 12-6.2, paragraph (2) of subsection (b) of Section 16-30,
23 paragraph (2) of subsection (b) of Section 31-4, or item (iii)
24 of paragraph (1.5) of subsection (i) of Section 48-1 of the
25 Criminal Code of 2012.

26 (c) The referral of an objection under this Section to the

1 Board shall toll the 90-day period for the Department to issue
2 or deny the applicant a license under subsection (e) of Section
3 10 of this Act, during the period of review and until the Board
4 issues its decision.

5 (d) If no objection is made by a law enforcement agency or
6 the Department under this Section, the Department shall process
7 the application in accordance with this Act.

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

9 (430 ILCS 66/87)

10 Sec. 87. Administrative and judicial review.

11 (a) Whenever an application for a concealed carry license
12 is denied, whenever the Department fails to act on an
13 application within 90 days of its receipt, or whenever a
14 license is revoked or suspended as provided in this Act, the
15 aggrieved party may appeal to the Director for a hearing upon
16 the denial, revocation, suspension, or failure to act on the
17 application, unless the denial was made by the local law
18 enforcement agency under Section 12 of this Act or the
19 Concealed Carry Licensing Review Board, in which case the
20 aggrieved party may petition the circuit court in writing in
21 the county of his or her residence for a hearing upon the
22 denial.

23 (b) All final administrative decisions of the Department or
24 the Concealed Carry Licensing Review Board under this Act shall
25 be subject to judicial review under the provisions of the

1 Administrative Review Law. The term "administrative decision"
2 is defined as in Section 3-101 of the Code of Civil Procedure.
3 (Source: P.A. 98-63, eff. 7-9-13.)