



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5555

Introduced 2/9/2024, by Rep. Mary Gill

SYNOPSIS AS INTRODUCED:

430 ILCS 66/10
430 ILCS 66/70
720 ILCS 5/24-1.6

Amends the Firearm Concealed Carry Act. Provides that if a concealed carry licensee leaves his or her vehicle unattended, he or she shall store the firearm out of plain view in a safe or other secure container which, when locked, is incapable of being opened without the key, keypad, combination, or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein and shall be fire, impact, and tamper resistant. For the purposes of this provision, a glove compartment, glove box, or center console is not considered an appropriate safe or secure storage container. Provides that when leaving his or her vehicle unattended, a concealed carry licensee shall store his or her loaded or unloaded firearm out of plain view in a safe or other secure container which, when locked, is incapable of being opened without the key, keypad, combination or other unlocking mechanism and is capable of preventing an unauthorized person from obtaining access to and possession of the weapon contained therein and shall be fire, impact, and tamper resistant. For the purposes of this provision, a glove compartment, glove box, or center console is not considered an appropriate safe or secure storage container. Provides that a concealed carry licensee in violation of this provision is guilty of a Class A misdemeanor for a first or second violation and a Class 4 felony for a third violation. Provides that the Illinois State Police may suspend a license for up to 6 months for a second violation and shall permanently revoke a license for a third violation. Amends the Criminal Code of 2012. Provides that for the aggravated unlawful use of a weapon statute, "case" does not include an unlocked glove compartment, glove box, or center console of a vehicle.

LRB103 37898 RLC 68029 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 Sections 10 and 70 as follows:

6 (430 ILCS 66/10)

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

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

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

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

15 (3) has submitted the requisite fees; and

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

20 (b) The Illinois State Police shall issue a renewal,
21 corrected, or duplicate license as provided in this Act.

22 (c) A license shall be valid throughout the State for a
23 period of 5 years from the date of issuance. A license shall

1 permit the licensee to:

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

5 (2) keep or carry a loaded or unloaded concealed
6 firearm on or about his or her person within a vehicle; if
7 the licensee leaves his or her vehicle unattended, he or
8 she shall store the firearm out of plain view in a safe or
9 other secure container which, when locked, is incapable of
10 being opened without the key, keypad, combination or other
11 unlocking mechanism and is capable of preventing an
12 unauthorized person from obtaining access to and
13 possession of the weapon contained therein and shall be
14 fire, impact, and tamper resistant. For the purposes of
15 this paragraph (2), a glove compartment, glove box, or
16 center console is not considered an appropriate safe or
17 secure storage container.

18 (d) The Illinois State Police shall make applications for
19 a license available no later than 180 days after July 9, 2013
20 (the effective date of this Act). The Illinois State Police
21 shall establish rules for the availability and submission of
22 applications in accordance with this Act.

23 (e) An application for a license submitted to the Illinois
24 State Police that contains all the information and materials
25 required by this Act, including the requisite fee, shall be
26 deemed completed. Except as otherwise provided in this Act, no

1 later than 90 days after receipt of a completed application,
2 the Illinois State Police shall issue or deny the applicant a
3 license. The Illinois State Police shall notify the applicant
4 for a concealed carry license electronically to confirm if all
5 the required information and materials have been received. If
6 an applicant for a concealed carry license submits his or her
7 application electronically, the Illinois State Police shall
8 notify the applicant electronically if his or her application
9 is missing information or materials.

10 (f) The Illinois State Police shall deny the applicant a
11 license if the applicant fails to meet the requirements under
12 this Act or the Illinois State Police receives a determination
13 from the Board that the applicant is ineligible for a license.
14 The Illinois State Police must notify the applicant stating
15 the grounds for the denial. The notice of denial must inform
16 the applicant of his or her right to an appeal through
17 administrative and judicial review.

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

20 (1) when the licensee is carrying or possessing a
21 concealed firearm on his or her land or in his or her
22 abode, legal dwelling, or fixed place of business, or on
23 the land or in the legal dwelling of another person as an
24 invitee with that person's permission;

25 (2) when the person is authorized to carry a firearm
26 under Section 24-2 of the Criminal Code of 2012, except

1 subsection (a-5) of that Section; or

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

5 (h) If an officer of a law enforcement agency initiates an
6 investigative stop, including, but not limited to, a traffic
7 stop, of a licensee or a non-resident carrying a concealed
8 firearm under subsection (e) of Section 40 of this Act, upon
9 the request of the officer the licensee or non-resident shall
10 disclose to the officer that he or she is in possession of a
11 concealed firearm under this Act, or present the license upon
12 the request of the officer if he or she is a licensee or
13 present upon the request of the officer evidence under
14 paragraph (2) of subsection (e) of Section 40 of this Act that
15 he or she is a non-resident qualified to carry under that
16 subsection. The disclosure requirement under this subsection
17 (h) is satisfied if the licensee presents his or her license to
18 the officer or the non-resident presents to the officer
19 evidence under paragraph (2) of subsection (e) of Section 40
20 of this Act that he or she is qualified to carry under that
21 subsection. Upon the request of the officer, the licensee or
22 non-resident shall also identify the location of the concealed
23 firearm and permit the officer to safely secure the firearm
24 for the duration of the investigative stop. During a traffic
25 stop, any passenger within the vehicle who is a licensee or a
26 non-resident carrying under subsection (e) of Section 40 of

1 this Act must comply with the requirements of this subsection
2 (h).

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

1 (i) The Illinois State Police shall maintain a database of
2 license applicants and licensees. The database shall be
3 available to all federal, State, and local law enforcement
4 agencies, State's Attorneys, the Attorney General, and
5 authorized court personnel. Within 180 days after July 9, 2013
6 (the effective date of this Act), the database shall be
7 searchable and provide all information included in the
8 application, including the applicant's previous addresses
9 within the 10 years prior to the license application and any
10 information related to violations of this Act. No law
11 enforcement agency, State's Attorney, Attorney General, or
12 member or staff of the judiciary shall provide any information
13 to a requester who is not entitled to it by law.

14 (j) No later than 10 days after receipt of a completed
15 application, the Illinois State Police shall enter the
16 relevant information about the applicant into the database
17 under subsection (i) of this Section which is accessible by
18 law enforcement agencies.

19 (k) The Illinois State Police shall continuously monitor
20 relevant State and federal databases for firearms prohibitors
21 and correlate those records with concealed carry license
22 holders to ensure compliance with this Act, or State and
23 federal law. The Illinois State Police may adopt rules to
24 implement this subsection.

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
26 102-813, eff. 5-13-22.)

1 (430 ILCS 66/70)

2 Sec. 70. Violations.

3 (a) A license issued or renewed under this Act shall be
4 revoked if, at any time, the licensee is found to be ineligible
5 for a license under this Act or the licensee no longer meets
6 the eligibility requirements of the Firearm Owners
7 Identification Card Act.

8 (b) A license shall be suspended if an order of
9 protection, including an emergency order of protection,
10 plenary order of protection, or interim order of protection
11 under Article 112A of the Code of Criminal Procedure of 1963 or
12 under the Illinois Domestic Violence Act of 1986, or if a
13 firearms restraining order, including an emergency firearms
14 restraining order, under the Firearms Restraining Order Act,
15 is issued against a licensee for the duration of the order, or
16 if the Illinois State Police is made aware of a similar order
17 issued against the licensee in any other jurisdiction. If an
18 order of protection is issued against a licensee, the licensee
19 shall surrender the license, as applicable, to the court at
20 the time the order is entered or to the law enforcement agency
21 or entity serving process at the time the licensee is served
22 the order. The court, law enforcement agency, or entity
23 responsible for serving the order of protection shall notify
24 the Illinois State Police within 7 days and transmit the
25 license to the Illinois State Police.

1 (c) A license is invalid upon expiration of the license,
2 unless the licensee has submitted an application to renew the
3 license, and the applicant is otherwise eligible to possess a
4 license under this Act.

5 (d) A licensee shall not carry a concealed firearm while
6 under the influence of alcohol, other drug or drugs,
7 intoxicating compound or combination of compounds, or any
8 combination thereof, under the standards set forth in
9 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

10 A licensee in violation of this subsection (d) shall be
11 guilty of a Class A misdemeanor for a first or second violation
12 and a Class 4 felony for a third violation. The Illinois State
13 Police may suspend a license for up to 6 months for a second
14 violation and shall permanently revoke a license for a third
15 violation.

16 (e) Except as otherwise provided, a licensee in violation
17 of this Act shall be guilty of a Class B misdemeanor. A second
18 or subsequent violation is a Class A misdemeanor. The Illinois
19 State Police may suspend a license for up to 6 months for a
20 second violation and shall permanently revoke a license for 3
21 or more violations of Section 65 of this Act. Any person
22 convicted of a violation under this Section shall pay a \$150
23 fee to be deposited into the Mental Health Reporting Fund,
24 plus any applicable court costs or fees.

25 (f) A licensee convicted or found guilty of a violation of
26 this Act who has a valid license and is otherwise eligible to

1 carry a concealed firearm shall only be subject to the
2 penalties under this Section and shall not be subject to the
3 penalties under Section 21-6, paragraph (4), (8), or (10) of
4 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
5 of paragraph (3) of subsection (a) of Section 24-1.6 of the
6 Criminal Code of 2012. Except as otherwise provided in this
7 subsection, nothing in this subsection prohibits the licensee
8 from being subjected to penalties for violations other than
9 those specified in this Act.

10 (g) A licensee whose license is revoked, suspended, or
11 denied shall, within 48 hours of receiving notice of the
12 revocation, suspension, or denial, surrender his or her
13 concealed carry license to the local law enforcement agency
14 where the person resides. The local law enforcement agency
15 shall provide the licensee a receipt and transmit the
16 concealed carry license to the Illinois State Police. If the
17 licensee whose concealed carry license has been revoked,
18 suspended, or denied fails to comply with the requirements of
19 this subsection, the law enforcement agency where the person
20 resides may petition the circuit court to issue a warrant to
21 search for and seize the concealed carry license in the
22 possession and under the custody or control of the licensee
23 whose concealed carry license has been revoked, suspended, or
24 denied. The observation of a concealed carry license in the
25 possession of a person whose license has been revoked,
26 suspended, or denied constitutes a sufficient basis for the

1 arrest of that person for violation of this subsection. A
2 violation of this subsection is a Class A misdemeanor.

3 (h) Except as otherwise provided in subsection (h-5), a
4 license issued or renewed under this Act shall be revoked if,
5 at any time, the licensee is found ineligible for a Firearm
6 Owner's Identification Card, or the licensee no longer
7 possesses a valid Firearm Owner's Identification Card. If the
8 Firearm Owner's Identification Card is expired or suspended
9 rather than denied or revoked, the license may be suspended
10 for a period of up to one year to allow the licensee to
11 reinstate his or her Firearm Owner's Identification Card. The
12 Illinois State Police shall adopt rules to enforce this
13 subsection. A licensee whose license is revoked under this
14 subsection (h) shall surrender his or her concealed carry
15 license as provided for in subsection (g) of this Section.

16 This subsection shall not apply to a person who has filed
17 an application with the Illinois State Police for renewal of a
18 Firearm Owner's Identification Card and who is not otherwise
19 ineligible to obtain a Firearm Owner's Identification Card.

20 (h-5) If the Firearm Owner's Identification Card of a
21 licensee under this Act expires during the term of the license
22 issued under this Act, the license and the Firearm Owner's
23 Identification Card remain valid, and the Illinois State
24 Police may automatically renew the licensee's Firearm Owner's
25 Identification Card as provided in subsection (c) of Section 5
26 of the Firearm Owners Identification Card Act.

1 (i) A certified firearms instructor who knowingly provides
2 or offers to provide a false certification that an applicant
3 has completed firearms training as required under this Act is
4 guilty of a Class A misdemeanor. A person guilty of a violation
5 of this subsection (i) is not eligible for court supervision.
6 The Illinois State Police shall permanently revoke the
7 firearms instructor certification of a person convicted under
8 this subsection (i).

9 (j) When leaving his or her vehicle unattended, a licensee
10 shall store his or her loaded or unloaded firearm out of plain
11 view in a safe or other secure container which, when locked, is
12 incapable of being opened without the key, keypad,
13 combination, or other unlocking mechanism and is capable of
14 preventing an unauthorized person from obtaining access to and
15 possession of the weapon contained therein and shall be fire,
16 impact, and tamper resistant. For the purposes of this
17 subsection, a glove compartment, glove box, or center console
18 is not considered an appropriate safe or secure storage
19 container. A licensee in violation of this subsection (j) is
20 guilty of a Class A misdemeanor for a first or second violation
21 and a Class 4 felony for a third violation. The Illinois State
22 Police may suspend a license for up to 6 months for a second
23 violation and shall permanently revoke a license for a third
24 violation.

25 (Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21;
26 102-813, eff. 5-13-22.)

1 Section 10. The Criminal Code of 2012 is amended by
2 changing Section 24-1.6 as follows:

3 (720 ILCS 5/24-1.6)

4 Sec. 24-1.6. Aggravated unlawful use of a weapon.

5 (a) A person commits the offense of aggravated unlawful
6 use of a weapon when he or she knowingly:

7 (1) Carries on or about his or her person or in any
8 vehicle or concealed on or about his or her person except
9 when on his or her land or in his or her abode, legal
10 dwelling, or fixed place of business, or on the land or in
11 the legal dwelling of another person as an invitee with
12 that person's permission, any pistol, revolver, stun gun
13 or taser or other firearm; or

14 (2) Carries or possesses on or about his or her
15 person, upon any public street, alley, or other public
16 lands within the corporate limits of a city, village or
17 incorporated town, except when an invitee thereon or
18 therein, for the purpose of the display of such weapon or
19 the lawful commerce in weapons, or except when on his or
20 her own land or in his or her own abode, legal dwelling, or
21 fixed place of business, or on the land or in the legal
22 dwelling of another person as an invitee with that
23 person's permission, any pistol, revolver, stun gun or
24 taser or other firearm; and

1 (3) One of the following factors is present:

2 (A) the firearm, other than a pistol, revolver, or
3 handgun, possessed was uncased, loaded, and
4 immediately accessible at the time of the offense; or

5 (A-5) the pistol, revolver, or handgun possessed
6 was uncased, loaded, and immediately accessible at the
7 time of the offense and the person possessing the
8 pistol, revolver, or handgun has not been issued a
9 currently valid license under the Firearm Concealed
10 Carry Act; or

11 (B) the firearm, other than a pistol, revolver, or
12 handgun, possessed was uncased, unloaded, and the
13 ammunition for the weapon was immediately accessible
14 at the time of the offense; or

15 (B-5) the pistol, revolver, or handgun possessed
16 was uncased, unloaded, and the ammunition for the
17 weapon was immediately accessible at the time of the
18 offense and the person possessing the pistol,
19 revolver, or handgun has not been issued a currently
20 valid license under the Firearm Concealed Carry Act;
21 or

22 (C) the person possessing the firearm has not been
23 issued a currently valid Firearm Owner's
24 Identification Card; or

25 (D) the person possessing the weapon was
26 previously adjudicated a delinquent minor under the

1 Juvenile Court Act of 1987 for an act that if committed
2 by an adult would be a felony; or

3 (E) the person possessing the weapon was engaged
4 in a misdemeanor violation of the Cannabis Control
5 Act, in a misdemeanor violation of the Illinois
6 Controlled Substances Act, or in a misdemeanor
7 violation of the Methamphetamine Control and Community
8 Protection Act; or

9 (F) (blank); or

10 (G) the person possessing the weapon had an order
11 of protection issued against him or her within the
12 previous 2 years; or

13 (H) the person possessing the weapon was engaged
14 in the commission or attempted commission of a
15 misdemeanor involving the use or threat of violence
16 against the person or property of another; or

17 (I) the person possessing the weapon was under 21
18 years of age and in possession of a handgun, unless the
19 person under 21 is engaged in lawful activities under
20 the Wildlife Code or described in subsection
21 24-2(b)(1), (b)(3), or 24-2(f).

22 (a-1) For purposes of subsection (a), "case" does not
23 include an unlocked glove compartment, glove box, or center
24 console of a vehicle.

25 (a-5) "Handgun" as used in this Section has the meaning
26 given to it in Section 5 of the Firearm Concealed Carry Act.

1 (b) "Stun gun or taser" as used in this Section has the
2 same definition given to it in Section 24-1 of this Code.

3 (c) This Section does not apply to or affect the
4 transportation or possession of weapons that:

5 (i) are broken down in a non-functioning state; or

6 (ii) are not immediately accessible; or

7 (iii) are unloaded and enclosed in a case, firearm
8 carrying box, shipping box, or other container by a person
9 who has been issued a currently valid Firearm Owner's
10 Identification Card.

11 (d) Sentence.

12 (1) Aggravated unlawful use of a weapon is a Class 4
13 felony; a second or subsequent offense is a Class 2 felony
14 for which the person shall be sentenced to a term of
15 imprisonment of not less than 3 years and not more than 7
16 years, except as provided for in Section 5-4.5-110 of the
17 Unified Code of Corrections.

18 (2) Except as otherwise provided in paragraphs (3) and
19 (4) of this subsection (d), a first offense of aggravated
20 unlawful use of a weapon committed with a firearm by a
21 person 18 years of age or older where the factors listed in
22 both items (A) and (C) or both items (A-5) and (C) of
23 paragraph (3) of subsection (a) are present is a Class 4
24 felony, for which the person shall be sentenced to a term
25 of imprisonment of not less than one year and not more than
26 3 years.

1 (3) Aggravated unlawful use of a weapon by a person
2 who has been previously convicted of a felony in this
3 State or another jurisdiction is a Class 2 felony for
4 which the person shall be sentenced to a term of
5 imprisonment of not less than 3 years and not more than 7
6 years, except as provided for in Section 5-4.5-110 of the
7 Unified Code of Corrections.

8 (4) Aggravated unlawful use of a weapon while wearing
9 or in possession of body armor as defined in Section 33F-1
10 by a person who has not been issued a valid Firearms
11 Owner's Identification Card in accordance with Section 5
12 of the Firearm Owners Identification Card Act is a Class X
13 felony.

14 (e) The possession of each firearm in violation of this
15 Section constitutes a single and separate violation.

16 (Source: P.A. 100-3, eff. 1-1-18; 100-201, eff. 8-18-17.)