

July 2, 2013

To the Honorable Members of the
Illinois House of Representatives,
98th General Assembly:

As Governor, it is my foremost duty to keep the people of Illinois safe. In the first half of this year, there were 843 shootings and 184 murders in the City of Chicago alone. There's no doubt that gun violence is a plague in many Illinois communities. That's why any changes to our state's gun policy must protect the people and minimize the risk of gun violence on our streets.

On December 11, 2012, three days before the Sandy Hook school tragedy, the United States Court of Appeals for the Seventh Circuit, (Case Nos. 12-1269 and 12-1788), without precedent regarding the regulation of guns outside the home, struck down Illinois' current ban on the concealed carry of guns in public.

Let me be clear, I do not agree with this ruling. However, I am duty-bound to address the mandates of the Court of Appeals, unless the United States Supreme Court rules otherwise.

To fill the legal void left by the Seventh Circuit's opinion, House Bill 183 creates the Firearm Concealed Carry Act to allow and regulate the carrying of concealed handguns in public places.

I have carefully reviewed every part of this legislation. This is a flawed bill with serious safety problems that must be addressed.

Therefore, I am compelled to use my constitutional authority to rectify several specific issues, to establish a better law to protect the people of Illinois.

Alcohol

As drafted, this bill allows people to carry guns into establishments serving alcohol, including most family restaurants and other places where large amounts of alcohol are consumed.

Mixing alcohol with guns is irresponsible and dangerous. Regardless of the percentage of sales attributed to alcohol, any establishment where alcohol can be consumed is an establishment where alcohol can impair judgment and do harm. Just as we have strong laws to prevent the danger of drinking and driving, we must have laws that prevent the danger of drinking and carrying a loaded gun. Illinois must keep guns out of any establishment where alcohol is consumed.

Home Rule

This bill strips the authority of Illinois home rule governments to enact future laws on assault weapons to protect their local communities. Due to the General Assembly's inability to enact a statewide ban on these dangerous weapons, this burden now rests on the shoulders of local governments, which should always have the right to strengthen their own ordinances depending on their public safety needs.

Restricting local communities' ability to regulate assault weapons is in no way related to the concealed carry of handguns, is not necessary to address the Seventh Circuit's opinion, and has no place in this bill. This NRA-inspired provision is not in the best interest of public safety or local communities. It should be removed.

Signage

Under this bill, loaded guns would be allowed in stores, restaurants, churches, children's entertainment venues, movie theaters and other private properties, unless the owner visibly displays a sign prohibiting guns. As written, this provision would lead to the unfair and unduly burdensome presumption that—without private property owners' specific actions to the contrary—guns are welcome.

As a matter of property rights, the legal presumption should always be that a person is not allowed to carry a concealed, loaded gun onto private property unless given express permission.

Employer's Rights

As currently drafted, this bill infringes on an employer's ability to enact policies that ensure a safe and secure work environment. According to the U.S. Bureau of Labor Statistics, shootings are the most frequent cause of workplace fatalities. Taking away the rights of employers is wrong and in this case, jeopardizes the safety of their employees.

Employers must have the right to enact policies that prohibit employees from carrying guns in the workplace and in the course of any employment-related duties.

Limiting Number of Guns and Ammunition

The bill provides no cap on the number of guns or on the size or number of ammunition clips that may be carried. Instead, it allows individuals to legally carry multiple guns with unlimited rounds of ammunition, which is a public safety hazard.

Recent shootings, such as the horrific tragedy in Newtown, CT where a gunman fired 154 bullets in less than five minutes, have put a spotlight on the extreme and unnecessary danger posed by high-capacity ammunition magazines.

If Illinois is going to legalize the carrying of loaded, concealed guns, our state should do so with common sense and a commitment to preventing mass violence.

The legislation should clarify that a license will permit an individual to carry one concealed gun and one ammunition clip that can hold no more than 10 rounds of ammunition.

Clarifying Mental Health Reporting

While this bill appropriately seeks to improve mental health reporting, the positive impact of these measures is limited by the lack of clarity in the notification process.

As I said during my State of the State address in February, mental health reporting is critical to ensure that guns don't fall into the hands of individuals who pose a threat to themselves or others. As the authority primarily responsible for licensing decisions, the Illinois State Police must have access to information regarding individuals who pose a "clear and present danger." Clarification to the notification process is necessary to ensure these enhancements to mental health reporting prevent guns from falling into the wrong hands.

Clarifying "Concealed"

The definition provided for "concealed firearm" is insufficient and must be clarified to ensure that when guns are carried, they are completely concealed from public view.

As written, the definition includes the phrase "mostly concealed," which would allow a licensee to walk around in public with a portion of his or her gun exposed.

Make no mistake—this is a step towards open carry in Illinois. This vague definition can lead to fear and confusion among the public, varying interpretations and enforcement, and the potential for subsequent litigation.

If Illinois is going to legalize the carrying of loaded, concealed guns, the legislation must be clarified to ensure when guns are carried, they are completely concealed.

Open Meetings Act

Under the current bill, the meetings and records of the Concealed Carry Licensing Review Board are entirely exempt from the Open Meetings and Freedom of Information Acts, providing zero transparency of the meetings, budget, personnel, and other aspects of this government board.

A more transparent approach would best serve the public. Due to the Board's consideration of protected medical and arrest records of applicants, it is understandable for the deliberations of the Board to take place in closed, executive session. However, similar to the Prisoner Review Board and the Emergency Medical Services Disciplinary Review Board, the meetings and records of the board – unless otherwise exempt – should be announced, open, and available to the public.

Informing Law Enforcement of Carrying

We must always ensure our public safety officers are protected as they protect the public in their line of duty. The law in this area must be very clear: an individual's response to questions from law enforcement when it comes to carrying guns must be immediate.

Conclusion: Public Safety First

In closing, there are too many provisions in this bill inspired by the National Rifle Association, not the common good. Public safety should never be compromised nor negotiated away.

With these common sense changes, House Bill 183 will have my approval. I respectfully request your concurrence.

Pursuant to the authority vested in the Governor by Article IV, Section 9(e) of the Illinois Constitution of 1970, and re-affirmed by the People of the State of Illinois by popular referendum in 1974, and conforming to the standard articulated by the Illinois Supreme Court in *People ex rel. Klinger v. Howlett*, 50 Ill.2d 242 (1972), *Continental Illinois National Bank and Trust Co. v. Zagel*, 78 Ill.2d 387 (1979), *People ex rel. City of Canton v. Crouch*, 79 Ill.2d 356 (1980), and *County of Kane v. Carlson*, 116 Ill.2d 186 (1987), declaring that gubernatorial action be consistent with the fundamental purposes and the intent of the bill, I hereby return House Bill 183, entitled "AN ACT concerning regulation," with my specific recommendations for change.

On page 1, by inserting immediately below line 6 the following:

"“Ammunition feeding device” means a detachable magazine, clip, belt, drum, feed strip, or similar device.”; and

on page 1, by replacing lines 10 through 13 with the following:

““Concealed firearm” means a loaded or unloaded handgun carried on or about a person completely covered or not visible from the view of the public, or carried in a vehicle concealed, covered, or not visible from the view of the public.”; and

on page 3, by replacing lines 13 through 18 with the following: “permit the licensee to carry one loaded or unloaded concealed firearm and, whether attached to or detached from the firearm, one ammunition feeding device for that firearm with a capacity of 10 rounds of ammunition or less on or about his or her person. The licensee may not carry an ammunition feeding device with a capacity of more than 10 rounds of ammunition or that can be readily restored or converted to accept more than 10 rounds of ammunition.”; and

on page 5, line 1, by inserting “immediately” after “shall”; and

on page 10, by deleting lines 19 through 21; and

on page 10, line 22, by replacing “(i)” with “(h)”; and

on page 22, by replacing lines 16 through 26 with the following:

“(9) Any building, real property, and parking area under the control of an establishment where alcohol may be consumed, other than a private residence or a club as defined in Section 1-3.24 of the Liquor Control Act of 1934.”; and

on page 25, by replacing lines 23 through 26 with the following:

“(a-10) A person shall not carry a concealed firearm onto the private real property of another without prior permission from the property owner. A property owner shall indicate permission to carry concealed firearms by posting a sign at the entrance of a building, premises, or real property, except this posting is not required if the property is a private residence. Signs stating that the carrying of firearms is allowed shall be clearly and conspicuously posted at the entrance of a building, premises, or real property. Signs shall be of a

uniform design as established by the Department and shall be at least 4 inches by 6 inches in size. The Department shall adopt rules for standardized signs to be used under this subsection.”; and

on page 26, by replacing lines 1 and 2 with the following:

“(a-15) An employer, or his or her designee, may prohibit an employee from carrying a concealed firearm during any part of the employee's employment. An employer, or his or her designee, may prohibit an employee from bringing a firearm onto the employer's property.”; and

on page 26, by replacing lines 12 through 17 with “vehicle in the parking area. The firearm must remain within the vehicle at all times while within the parking area. For purposes of this”; and

on page 27, by deleting lines 4 through 11; and

on page 45, by replacing lines 18 through 20 with the following:

“(30) Deliberations regarding applicants under the Firearm Concealed Carry Act by the Concealed Carry Licensing Review Board.”; and

on page 58, by replacing lines 16 through 18 with the following:

“(c-5) Any owner of an establishment where alcohol may be consumed, other than a private residence or club as defined in Section 1-3.24 of the Liquor Control Act of 1934.”; and

on page 106, by replacing lines 12 through 22 with the following:

“(d) If a person is determined to pose a clear and present danger to himself, herself, or to others:

(1) by a physician, clinical psychologist, or qualified examiner, or is determined to be developmentally disabled by a physician, clinical psychologist, or qualified examiner, whether employed by the State or privately, then the physician, clinical psychologist, or qualified examiner shall, within 24 hours of making the determination, notify the Department of Human Services that the person poses a clear and present danger or is developmentally disabled; or

(2) by a law enforcement official or school administrator, then the law enforcement official or school administrator shall, within 24 hours of making the determination, notify the Department of State Police that the person poses a clear and present danger.

The Department of Human Services shall”; and

on page 122, line 23, by replacing “subsections (b) and (c)” with “subsection (b)”; and

on page 123, by deleting lines 21 through 26; and

on page 124, by deleting lines 1 through 15; and

on page 124, line 16, by replacing “(d)” with “(c)”; and

on page 124, line 19, by replacing “(e)” with “(d)”.

With these changes, House Bill 183 will have my approval. I respectfully request your concurrence.

Sincerely,

PAT QUINN