

## EMPLOYMENT SERVICES ALERT - ILLINOIS

11/7/13

### Illinois State Police Release Sample Sign to Ban Concealed Weapons on Private Property

On July 9, 2013, Illinois passed the Firearm Concealed Carry Act (FCCA), becoming the 50<sup>th</sup> state to permit the concealed carry of firearms. The FCCA permits Illinois residents and non-residents who meet specified qualifications to apply for a license to carry a “concealed firearm,” which is defined as a concealed loaded or unloaded handgun carried on or about a person or within a vehicle. This new law poses several issues for Illinois employers – issues that should be addressed in employee handbooks and manuals.

Among other provisions, the FCCA specifies qualifications, procedures, content of applications for licenses, and areas where those holding licenses will be prohibited from carrying firearms. All permits will be issued by the Illinois State Police, but the applications will not be available until January 1, 2014. Once permit applications are submitted, the Illinois State Police has another 90 days to approve them.

Under the law, firearms are still prohibited in certain areas, such as:

- Public or private hospitals or their affiliates, mental health facilities, and nursing homes;
- Public or private elementary or secondary schools, pre-schools, and child care facilities;
- Establishments serving alcohol on their premises, if more than 50% of the establishment’s gross receipts within the prior 3 months are from the sale of alcohol;
- Public or private community colleges, colleges, or university buildings, classrooms, laboratories, clinics, hospitals, artistic, athletic or entertainment venues;
- Events authorized by Special Event Retailer’s license during the time alcohol will be sold;
- Areas under the control of a gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act (casinos and horse racetracks);
- Public gatherings or special events conducted on property open to the public that requires the issuance of a government permit;
- Any stadium, arena, or the property or areas under the control of a stadium, arena, or any collegiate or professional sporting event;
- Museums, amusement parks, zoos and airports;
- Nuclear facilities;
- Buses, trains, and other forms of public transportation, including stations; and
- Areas where firearms are prohibited under federal law.

The law also allows private property owners to prohibit firearms on their property (except in parking areas, discussed below); provided the owners post a sign stating that the carrying of firearms is prohibited at entrances. The Illinois State Police has issued a sign that may be used by property owners who are permitted to ban concealed weapons on their premises. A link to the sign can be found [here](#). The sign is four by six inches and contains no text other than a reference to the statutory provision authorizing the sign. The regulations on the signage requirements under the FCCA, once finalized, may permit larger signs in some circumstances. Therefore, if a private property owner wants to ban the carrying of concealed weapons, they should monitor the regulations on signage and have the sign on display by January 1, 2014.

While the carrying of concealed firearms may be prohibited in buildings, facilities, and properties, including parking areas, authorized licensees can still keep concealed weapons in a locked vehicle or in a locked container out of plain view. Further, a licensee may carry a firearm in a parking lot area for the limited purpose of storing or retrieving a firearm within the vehicle's trunk, as long as the firearm is unloaded prior to exiting the vehicle. The FCCA defines "case" as a glove compartment or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle or a firearm-carrying box, shipping box, or other container.

Our takes on the FCCA:

- While licensed employees and visitors may be prohibited from bringing a firearm into a business or venue, they cannot be prohibited from keeping the firearm in their car. Employers must be sure that any policies or procedures governing handguns in the workplace do not infringe on the rights of employees to keep authorized handguns locked in their cars, even if in employer-owned parking lots.
- While the Illinois State Police has yet to issue comprehensive regulations on the concealed carry law, the plain language of the statute does not affirmatively permit employers who lease private property to prohibit concealed weapons. Therefore, employers who lease private property and who are interested in banning concealed weapons on their premises should consult with the owner of the property to encourage adoption of such a policy, and monitor the regulations.
- The FCCA does not specify how a property owner must post a sign at the "entrances" to open land, a corporate park, or a strip mall. While it appears that employers probably cannot bar employees from keeping firearms locked in their personal vehicles, the new law is silent on whether an employer has the right to condition employment or continued employment on an employee agreeing not to bring a firearm into a vehicle owned or supplied by the employer, or into the homes or businesses of the employer's customers while the employee is rendering services on behalf of the employer.

In considering the employment and policy issues, employers should be mindful of the substantial liability exposure and negative publicity if an employee injures or kills someone with a firearm while on the job.

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