

Illinois Firearm Concealed Carry Act: What Employers Need to Know

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Illinois has become the final state to authorize the carrying of concealed firearms by properly licensed private persons. The Illinois Legislature overrode Governor Pat Quinn's amendatory veto of the state Firearm Concealed Carry Act on July 9, 2013. Although the Act became effective immediately, the Illinois State Police have been given 180 days to make applications for a license available and 90 days to process applications. While the State Police do not have to take the full amount of time provided by the Act, it is unlikely that any Illinois residents will receive a license for concealed carry until early in 2014. Employers should take this opportunity to familiarize themselves with the provisions of the Act that may affect their workplace policies or practices.

Prohibited Areas and Posting Requirements

The Act specifies numerous areas where concealed carry licensees are prohibited from knowingly carrying a firearm. Employers should determine whether they own or operate any of these "prohibited areas." The list of prohibited areas is lengthy and includes the following:

- A public or private elementary or secondary school;

- A pre-school or child care facility;

- An establishment that serves alcohol on its premises, if more than 50 percent of the establishment's gross receipts within the prior three months is from the sale of alcohol;

- A gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act;

- Any building or real property that has been issued a Special Event Retailer's license;

- Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization property, and real property under the control of a public or private community college or university; and

- Any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any other collegiate or professional sporting event.

If any employer owns or operates property that meets the definition of a prohibited area, the Act mandates the employer clearly and conspicuously posts a sign at the entrance stating the carrying of firearms is prohibited. The State Police are developing a standardized design for such signs and rules regarding their use.

Employers who own or operate establishments that have sufficient alcohol sales to constitute a prohibited area are subject to penalties, under the Liquor Control Act, for knowingly failing to prohibit the carry of concealed firearms on their premises.

Electing to Prohibit Firearms

Even if an employer's premises do not qualify as a specifically listed prohibited area, any employer may elect to prohibit the carrying of firearms on its premises. If an employer chooses to do so, it must post a sign stating the carrying of firearms is prohibited. Employers should also consider implementing a written policy clearly stating the carrying of firearms is prohibited.

Parking Lots

Although an employer may prohibit the carrying of concealed firearms on its property generally, Illinois has joined the 17 other states that allow a concealed carry licensee to store firearms in his or her vehicles even when parked in an area where it is otherwise not allowed, such as an employer's parking lot. Alabama, Alaska, Arizona, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, North Dakota, Oklahoma, Tennessee, and Utah also permit employees to keep guns in their vehicles while parked on the employer's property. South Carolina and Pennsylvania are considering similar legislation.

Under the Illinois law, concealed carry licensees are permitted to carry a concealed firearm on or about their person within a vehicle and to store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view. A licensee also may carry a firearm in the immediate area surrounding his or her vehicle for the limited purpose of storing or retrieving a firearm from within the vehicle's trunk, provided the firearm is unloaded. As a result of these provisions, a licensee may be prohibited from bringing a firearm into the workplace, but may keep the firearm locked in his or her car in the employer's parking lot.

Out-of-State Concealed Carry Licensees

The Act does not recognize the concealed carry licenses of any other state and, therefore, individuals with valid concealed carry licenses from other jurisdictions are not permitted to carry a concealed firearm in Illinois without first obtaining a non-resident license from the State of Illinois. The Act, however, permits concealed carry licensees from other states to transport their firearms within their vehicles in Illinois and to store firearms within their vehicles in the same fashion as concealed carry licensees from Illinois. This provision of the Act went into effective immediately, so employees who reside in neighboring states and who hold valid concealed carry licenses issued by their home states are permitted to travel to worksites in Illinois and store their concealed carry firearms within their vehicles.

Anti-Discrimination Provisions

Although the Act does not specifically protect concealed carry licensees from discrimination in the workplace, the Illinois Right to Privacy in the Workplace Act may provide some protection to individuals who own firearms or choose to obtain a concealed carry license. Under this law, an employer may not refuse to hire or to discharge an individual because that individual uses lawful products off the employer's premises during nonworking hours. While this statute originally was intended to protect smokers from discrimination, its protections have been extended to the use of other lawful products.

The State Police are in the early stages of developing additional rules under the Firearm Concealed Carry Act. Employers should continue to monitor developments and consider consulting with counsel to ensure that their workplace policies relative to firearms and workplace violence are consistent with the law.

Jackson Lewis attorneys are available to discuss this and other workplace issues. Please contact Jeffrey L. Rudd, at jeffrey.rudd@jacksonlewis.com, Gerard "Jerry" A. McInnis, at mcinnisg@jacksonlewis.com, in our Chicago office, (312) 787-4949, or the Jackson Lewis attorney with whom you regularly work.

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