

Legal Update

July 2013

IMPLICATIONS OF CONCEALED FIREARM CARRY LAW FOR ILLINOIS EMPLOYERS

By Seth A. Stern

The Illinois Firearm Concealed Carry Act (the “Act”) was passed on July 9, 2013, making Illinois the last state to allow licensed persons to carry concealed firearms. Although the State has yet to begin issuing licenses, employers and property owners should begin considering the Act’s implications today.

Even license-holders will still be prohibited from carrying concealed firearms in schools, bars, hospitals, casinos, and other “prohibited areas” under the Act. Other employers and property owners may also prohibit concealed firearms on their premises, but only if they post, at entrances to prohibited areas, clear and conspicuous signage prohibiting firearms. Employers wishing to keep firearms off their premises should also add clearly drafted weapons policies to their handbooks noting, however, that under the Act, the policies will be ineffective absent the required signage. The Act provides that signs “shall be 4 inches by 6 inches in size” and that the Illinois State Police (the “Department”) “shall adopt rules for standardized signs to be used” in prohibited areas.

Employers should also be aware that, even if they post the required signage, the new law does not allow them to restrict license-holders from carrying a concealed firearm into a parking lot or from keeping one in a locked car. Employers may wish to consider policies requiring employees to provide copies of their licenses before storing firearms in their parking lots (although visitors would nonetheless be entitled to store firearms in their vehicles). Employers may also wish to consider adopting policies with respect to storage of firearms in employer-owned cars, although it is unclear whether courts will uphold any such restrictions.

Owners of restaurants and bars that derive more than half of their gross receipts from alcohol sales should also be aware of the Act’s provisions imposing fines for failure to prohibit concealed firearms on their premises.

The Act gives the Department until January 2014 to begin accepting applications for licenses. The Department will have up to 90 days to decide whether to issue a license to an applicant.

Employers that employ drivers should make them aware of the portion of the Act addressing investigative stops, including a traffic stop by an officer or law enforcement agency. Upon request of the officer, a licensee who is carrying a concealed firearm must “disclose to the officer that he or she is in possession of a concealed firearm under” the Act, “present the license” upon the officer’s request, and “identify the location of the concealed firearm.”

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Employers would be wise to familiarize themselves with the Act sooner rather than later, prepare appropriate signage, and prepare a policy that addresses the carrying of concealed firearms consistent with their views and the Act. In addition, employers that do not have Anti-Violence policies would be well advised to adopt them in order to prevent workplace violence and minimize employer exposure. [Click here](#) to read FVLD's previous newsletter on preventing workplace violence.

FVLD publishes updates on legal issues and summaries of legal topics for its clients and friends. They are merely informational and do not constitute legal advice. We welcome comments or questions. If we can be of assistance, please call or write Jon Vegosen 312.701.6860 jvegosen@fvldlaw.com, Jim Groth 312.701.6830 jgroth@fvldlaw.com, Seth A. Stern 312.701.6837 SStern@fvldlaw.com, or your regular FVLD contact.

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