

New Requirements for Illinois Businesses under Concealed Carry Act

Article By:

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Illinois employers may be surprised to learn what action items may be necessary for their businesses following enactment of Illinois' new Concealed Carry Act.

Facing a deadline imposed by the Seventh Circuit's 2012 ruling that the state's concealed carry ban was unconstitutional, on July 9 the Illinois state legislature overrode Governor Quinn's amendatory veto to enact Public Act 98-0063, which includes the new Firearm Concealed Carry Act ("Act") and related laws and amendatory legislation. The Act makes Illinois the 50th state to enact legislation allowing concealed carry, and permits Illinois residents and non-residents who meet specified qualifications to apply for a license to carry a "concealed firearm" — defined as a concealed loaded or unloaded handgun carried on or about a person or within a vehicle — in the state. Among other provisions, the Act specifies qualifications, procedures and content of applications for licenses and areas where those holding licenses will be prohibited from carrying firearms. Individuals cannot apply for a concealed carry license in Illinois until the Department of State Police issues the applications (the Department has up to 180 days to do so).

Required Postings for "Prohibited Areas"

The Act prohibits authorized licensees from carrying a firearm into "prohibited areas" and further mandates clear notices at entrances of such venues that firearms are prohibited. (Required signage and accompanying rules will be issued by the Department of State Police and are not yet available.) Among others, the following are types of establishments subject to these requirements that must post clear notices prohibiting the carrying of firearms:

- Areas controlled by public or private hospitals or their affiliates, mental health facilities, nursing homes, public or private elementary or secondary schools, pre-schools, and child care facilities.
- Areas under the control of an establishment serving alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol. (The Act further provides that owners of such establishments who fail to prohibit concealed firearms are subject to penalties up to \$5000.)

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- Buildings, classrooms, laboratories, clinics, hospitals, artistic, athletic or entertainment venues and other areas under the control of a public or private community college, college, or university.
 - 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 of 1975.
 - 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.
 - Areas under the control of a museum, amusement park, zoo, or airport.
 - Any areas owned, leased, controlled or used by a nuclear energy storage, weapons, or development site.
 - Buses, trains, or other forms of transportation paid in whole or in part with public funds, and any areas controlled by a public transportation facility.
 - Areas where firearms are prohibited under federal law.

Prohibition by Other Owners Desiring to Maintain Gun-Free Facilities

Employers and other property owners can still prohibit the carrying of concealed firearms on property under their control that is not among the enumerated "prohibited areas" provided they post the state-approved sign indicating that firearms are prohibited. (Owners of private residences desiring to prohibit firearms need not post the sign.) Because this provision of the Act applies to owners of "private real property" however, it raises questions for businesses operating on leased premises who desire to ban firearms. At a minimum, such businesses should ensure that their landlord's concealed carry policy is consistent with their own.

Special Provisions for Parking Areas

Note that while the carrying of concealed firearms may be prohibited in buildings, facilities and properties — including parking areas — authorized licensees can still drive with concealed firearms *into* the parking areas, and can *store* the firearms and ammunition in a case in their locked vehicle or in a locked container out of plain view. Thus 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.

An Evolving Area of Law

This area of the law continues to evolve. On July 16, Chicago's City Council unanimously voted to strengthen the City's assault weapons ban with measures that prohibit more weapons, add stricter penalties for violations, and outline student safety zones in order to meet a 10-day deadline imposed by companion amendments within Public Act 98-0063.

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