

Impact of Concealed-Carry Law on Employers

Q As an Illinois employer, what do I need to know about the new concealed-carry law?

A In July 2013, Illinois became the last state to adopt legislation allowing the public possession of concealed handguns. The Illinois law (codified at 430 ILCS § 66/1, et seq.) was adopted in response to the U.S. Supreme Court's 2010 decision overturning Chicago's long-standing handgun ban, and the Seventh Circuit's decision in 2012 invalidating the state's carrying of concealed firearms ban. The Illinois law—known as the Firearm Concealed Carry Act (FCCA)—is a hybrid statute, combining various features from other states' laws. The statute is principally focused on those who wish to be licensed to carry concealed firearms, the locations where the carrying of concealed firearms is statutorily prohibited, and building owners who may elect to prohibit the carrying of concealed firearms on their premises. It does not directly address employers.

In general, the FCCAA allows anyone older than 21 who has obtained a state-issued Firearm Owner's Identification card, passed a background check, and received 16 hours of gun-safety training—the longest required training period of any state—to obtain a concealed-carry permit for \$150. The permit covers handguns only—no other type of gun or weapon. It requires that the

loaded or unloaded handgun be “carried on or about a person completely or mostly concealed from view of the public, or on or about a person within a vehicle.” The Illinois State Police Department is charged with administering the permitting program, and began the process of issuing permits in February. It is expected that approximately 400,000 Illinois residents—roughly 3.2 percent of the state's population—will apply for a concealed-carry permit during the first year of permitting.

The FCCA includes a detailed list of places—including, in most instances, their associated parking areas—where concealed handguns are not allowed (430 ILCS 66/65.) Those places include elementary and secondary schools, preschools and child care facilities; hospitals, mental health care facilities and nursing homes; any government or court building; any correctional facility or jail; any airport facility; buses, trains and any public transportation facilities; any business that derives more than 50 percent of its revenue from the sale of alcohol, e.g., bars and perhaps restaurants—in Chicago, this provision applies to any business that sells any alcohol, regardless of amount—any public gathering or event requiring a permit, e.g., block parties, festivals, outdoor concerts, and street fairs; any playgrounds and park facilities; any facilities maintained by any college or

university; any public library; any stadium or arena; any amusement park; and any zoo or museum.

Rules Differ for Property Owners and Employers

The FCCA provides that the owner of any private real property of any type—which could cover any business in Illinois—may prohibit the carrying of concealed firearms on the owner's property by posting at the premises' entrance a 4"x6" sign stating that the carrying of firearms is prohibited. The sign is required to be of a uniform design as established by the Illinois State Police Department (<https://ccl4illinois.com/ccw/Public/Signage.aspx>.) This statutory provision is noteworthy since it applies only to property owners. Accordingly, associations that lease their premises and would like to prohibit visitors from carrying concealed handguns will need their landlord's permission if they want to post the required notices prohibiting concealed handguns. Associations operating in rented space are not authorized to take that action on their own.

While any property owner can bar visitors from bringing concealed handguns into the workplace—with proper notice—employers are free under the FCCA to adopt broader policies covering the workplace. For example, employers can adopt policies barring their employees from bringing any weapons, including but not limited to handguns, into the work-

place. Employers also can ban concealed handguns or other weapons in company-owned vehicles, at company-wide functions, or when an employee is out of the office on company business, e.g., off-site meetings. To the extent an association adopts any of those restrictions, they should be noted in the association's personnel policies, as violations may constitute grounds for dismissal. Employers with operations in multiple states should check the concealed-carry laws in each state, since there can be material differences among the various state statutes.

The bottom line is that by the end of 2014, approximately 2 to 3 percent of Illinois' population could be driving to work with handguns, which they may conceal in their vehicles as they enter parking areas near the workplace—where statutory prohibitions do not otherwise apply. It will be up to each employer—through the adoption of employee guidelines and each building owner—through an election to post a clear and conspicuous notice—to determine whether employees and/or visitors will be allowed to bring concealed handguns into the workplace. **■**

The answers provided here should not be construed as legal advice or a legal opinion. Consult a lawyer concerning your specific situation or legal questions.

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