

There is now limited concealed carry in Illinois if you have a valid Firearm Owners ID Card. Follow along...

You are just six seconds from safety...

There is now limited concealed carry in Illinois if you have a valid **Firearm Owners ID Card** (FOID)...

What is Unlawful Use of Weapons?

Section 24-1 of the Criminal Code of 1961:

"(a) a person commits the offense of unlawful use of weapons when he knowingly:

*** (4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his abode or fixed place of business any pistol, revolver, stun gun, taser or other firearm." 720 ILCS 5/24-1(a)(4)(West 1994).

Are there any exceptions?

Yes!

The Code also provides for certain situations in which section 24-1(a)(4) does not apply. Section 24-2(i) provides:

"nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearms Owners Identification Card." 720 ILCS 5/24-2(i)(West 1994).
And this excerpt from Public Act 91-0690 (Safe Neighborhoods Act 2000)

(720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

Sec. 24-1. Unlawful Use of Weapons.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed place of business any pistol, revolver, stun gun or taser or other firearm, except that this subsection (a) (4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's identification Card;

How can I legally transport a firearm on my person or in my vehicle?

Three statutory codes regulate the possession, transfer, and transportation of firearms- the Criminal Code, the Wildlife Code, and the Firearm Owner's Identification Act. Under Unlawful Use of Weapons (Uuw) in the Criminal Code, persons who have been issued a valid FOID card may transport a firearm anywhere in their vehicle or on their person as long as the firearm is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container. Firearms that are not immediately accessible or are broken down in a non-functioning state may also be carried or transported under the Criminal Code. The Wildlife Code, however, is more restrictive. It requires that all firearms transported in or on any vehicle be unloaded and in a case. Because of this, it is recommended that, in order to be in compliance with all statutes, all firearms be transported:

1. Unloaded and,
2. Enclosed in a case, and
3. By persons who have a valid FOID card.

Source: Illinois State Police pamphlet titled "Transport Your Gun Legally" - Commonly asked questions on transporting firearms. Available on the Illinois State Police website.

How do I take advantage of this law to increase my personal safety?

Purchase a concealed carry fanny pack and carry an unloaded gun with magazines at the ready in the compartment. You will be just "Six Seconds from Safety" as you can open the case and quickly lock and load your handgun should a use of lethal force situation arise. Not as good as a concealed carry law, but a lot better than it used to be!

For a purse, carry an unloaded gun with magazines in a container, case, or carrying box. Then place that inside your purse. Yep, you're probably going to have to carry a large-sized purse to fit the container in it. Then again, some guns out there are small enough that the carrying case is the size of your hand, so you may not need a large purse after all.

Okay, what are the particulars?

1. Obtain a valid **Firearm Owners Identification Card** (FOID) and carry it.
 2. Obtain a fanny pack designed for concealed carry of a weapon. If you opt to carry a purse, obtain a purse large enough to hold your carrying case within it.
 3. Put your UNLOADED gun in the fanny pack or purse along with loaded magazines
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I thought the ammunition had to be stored separately from the handgun?

This is a common myth as is the myth that the handgun has to be in a locked container or in your trunk. The law merely specifies "cased" with no mention as to ammo (see above). Further, the Illinois courts have ruled on this point definitively. Ammunition may be in the magazine as long as the magazine is not in the hand gun. See Illinois v. McDade.

So far, all well and good, but is there some case law that back you up?

Check out the case of Illinois v. Brunner which categorically affirms the right to carry an unloaded, encased weapon. The relevant portion of the case is highlighted in bold text. Not only case carry the law in Illinois, but it is backed up by the courts.

Just to be sure, I'd like to read the act for myself.

Okay, copy and paste to your browser:

<http://www.legis.state.il.us/publicacts/pubact91/acts/91-0690.html>

Thanks to the work of the Champaign County Rifle Association for this information.

NOTE: This is a modified version of an article composed by the Champaign County Rifle Club. I've deleted some information that's no longer pertinent.

It should be noted that the definition of the word "container" as written in the law is currently being settled in the courts. Information about this subject can change at any time but in my opinion, the changes will be in the direction of liberalizing the definition of "container".

Example: Car glove box, console, etc.

This article is not to be construed as legal advice. If you have questions about the law, consult your attorney.

Larry D. Morse (8/6/2009)