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## Concealed carry rules for Illinois emerge but face uncertain fate

### Opponents say state Senate measure too restrictive on citizens, offers law enforcement too much leeway

By Ray Long, Monique Garcia and Rafael Guerrero, Chicago Tribune reporters

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SPRINGFIELD

— A measure spelling out who can carry concealed handguns and where they can carry them emerged Thursday after months of contentious negotiations, a system with one set of rules for violence-plagued Chicago and another for the rest of Illinois.

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Though the attempt at a compromise cleared its first hurdle in the Senate, it faces considerable opposition from gun rights advocates who derided it as an effort to greatly restrict where guns could be carried for self-defense and argued that it gave too much leeway to law enforcement in denying permits.

"You put lipstick on a pig, and it's still a pig. That's what this is," said Todd Vandermyde, the National Rifle Association's Illinois lobbyist.

The lack of an agreement leaves city and suburban lawmakers who are pro-gun control trying to push through a measure that many of their Downstate counterparts will have to oppose. That political dynamic is unfolding with just two weeks until the spring session ends and little more than three weeks until a June 9 deadline federal appeals judges set for the state to come up with regulations to allow citizens to carry guns.

The geographic divide was on display as the legislation debuted at a closely watched, two-hour hearing in an ornate Senate meeting room.

Democratic Sen. Kwame Raoul of Chicago outlined the permitting process: Chicago police would get special authority to investigate and clear anyone who wants the right to carry a concealed weapon in the city through a review that would go beyond what would be a standard Illinois State Police background check for carrying in the rest of the state.

Guns could not be carried in a wide array of places, including trains, buses, bars, hospitals, schools, casinos and private businesses that choose to prohibit weapons. The bill also would provide larger cities with a six-month window of opportunity to designate additional locations where guns would be banned.

Raoul warned that his bill is far from a cure-all for the rampant problem of gun violence that has plagued an

America rattled by searing cases of senseless shootings. Gang members already violating gun laws aren't likely to be the first in line to get concealed carry permits, after all.

"(The legislation) respects our state's diversity of gun cultures and public safety challenges while applying careful, sensible regulations statewide," Raoul said. "The court has said that Illinois must allow law-abiding gun owners to carry in public. I say we can do that and still keep guns away from people who shouldn't have them and away from places they shouldn't be."

The Illinois State Police predicted the state would see as many as 300,000 applications when concealed weapons are authorized in Illinois.

Yet the unpopularity of the Raoul measure among gun rights advocates became increasingly clear as about 700 opponents filed electronic witness slips by midafternoon. Leading the opposition was the National Rifle Association, whose lobbyist delivered a clear message that the bill was so restrictive it could not be properly called a "carry bill."

"This is a bill to discourage people and prevent people from carrying firearms and exercising their constitutional, fundamental right to keep and bear arms for self-defense in public," Vandermyde testified.

Vandermyde contended that it is "not out of the realm of conceivability that Chicago, Oak Park, a few others are going to try to make it very difficult" to carry concealed weapons in such cities. He maintained that the ban on carrying on Chicago-area buses and trains would "effectively disarm" millions of riders.

"If you will be able to walk down the sidewalk or drive your vehicle, you'll be lucky," Vandermyde said.

The bill as introduced provided some fodder for opponents. Vandermyde seized upon phrasing in the legislation that could be subject to wide interpretations. He said it could be contorted and stretched to deny permits. To get a concealed weapons permit, a person must have "proper reason for carrying a firearm" and possess "good moral character" — terms branded as unconstitutionally vague.

Republican Sen. Matt Murphy of Palatine maintained such loose language could lead to a "pervasive chilling effect," particularly if a governor wanted to impose a strong anti-gun stance that belied the letter of the law.

The senator also wondered if the legislation could run afoul of the 7th U.S. Circuit Court of Appeals decision that ordered Illinois to enact a concealed carry law. Without a new law, opponents fear the different jurisdictions in courts and communities could put gun owners in the position of having to know an unfathomable number of interpretations or risk arrest. But another set of questions arose when opponents asked what reasons local authorities could use to block a person from getting a permit to carry.

"If the sheriff says, 'I object because last week I just saw a guy shooting around in the neighborhood creating a public safety hazard,'" Raoul said. "That could be the sole, sole reason that's consistent with the licensing requirements."

By Thursday night, however, Raoul said he was drafting an amendment to be considered Friday that would remove the "good moral character" criterion.

Raoul said he would keep intact the consideration of a "proper reason for carrying a firearm" because it has been tested in Indiana and gives leeway to reject an applicant whose desire to carry a gun is "inconsistent with public safety."

In addition, Raoul said, he plans to amend phrasing to tighten up the language so that "there would be less fear of an arbitrary objection from a local sheriff."

The Senate Executive Committee approved the Raoul legislation 10-4, but the panel is stacked with Chicago-area, anti-gun Democrats. The Raoul bill could come up for a vote in the full Senate as early as Friday. Neither Raoul nor Senate President John Cullerton would predict passage despite backing from Gov. Pat Quinn.

In Chicago, Mayor Rahm Emanuel said he met with Raoul and made it clear he did not want people to be able to carry weapons on public transit or at Wrigley Field, concerts and places like the proposed new stadium near McCormick Place for DePaul University's basketball team.

"We have to make sure our protections for our city ... are different," Emanuel said.

Senate Republican leader Christine Radogno of Lemont voted present, saying the bill includes "some good things" but that she also considered too many points as "unduly vague."

Should it pass the Senate, the Raoul bill would face an uncertain future in the House, where the chief gun rights legislator already was planning its demise.

"There's no way we're going to pass it in the House," said Rep. Brandon Phelps, D-Harrisburg. "No way."

Phelps said he and Raoul were among lawmakers meeting in Madigan's office Thursday.

"They're probably the most serious talks we've had in the 11 years I've been here regarding this issue," said Phelps, who has long fought for a concealed carry law in Illinois. "I think it's far too long for our law-abiding gun owners not to exercise their Second Amendment rights."

In the House, a strict New York-styled concealed carry law and a less-restrictive NRA-backed bill have failed to get enough votes to move to the Senate. Madigan acknowledged the "differences are pretty large."

"It won't be easy," said the speaker, whose daughter, Attorney General Lisa Madigan, has held off on deciding whether to appeal the federal court order that's requiring Illinois to put a concealed carry law in place. "People will be asked to compromise, they will be asked to do some things they really don't want to do, but that's the nature of the legislative process."

The Senate bill seeks to close what gun safety advocates have called a loophole that allows private sales and transfers of guns without checking in with the state to see if a buyer has a proper firearms owner's identification card. Under the measure, the seller would have to verify that a buyer has a valid FOID card.

In an attempt to crack down on a form of gun trafficking, the bill also would require a gun owner to report a lost or stolen gun within three days of realizing it is missing.

Among other provisions are the requirements that a person be 21, possess a firearm owner's identification card, complete firearms training and live in Illinois to get a concealed carry permit.

The bill would prohibit giving permits to people convicted of a series of crimes, ranging from felonies to misdemeanors that include gun offenses and domestic violence. A person could not be granted a permit with a conviction for various crimes involving drugs within a decade of an application, and no one would be eligible if he has had an order of protection levied against him or a civil no-contact ordered against him within five years.

Applicants also would not get a permit if they have been a mental health patient within five years of application or been judged as mentally disabled or intellectually disabled. Anyone with a pending arrest warrant would be blocked from getting a concealed carry permit.

Raoul said it would cost \$100 for a statewide carry permit outside Chicago and another \$50 for permission to carry in Chicago. He said \$20 from the fees would go toward mental health efforts.

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