



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Details (With Text)

File #:	14-4658	Version:	1	Name:	
Type:	Ordinance	Status:		Filed	
File created:	8/8/2014	In control:		Legislation and Intergovernmental Relations Committee	
On agenda:	5/8/2013	Final action:		11/19/2014	
Title:	PROPOSED ORDINANCE				

COB #323392

THE CONCEALED FIREARM SAFETY ORDINANCE

Submitting a Proposed Ordinance sponsored by Larry Suffredin, County Commissioner.

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 54 Licenses, Permits and Miscellaneous Business Regulations, Article XI The Concealed Firearms Safety Ordinance, Sections 54 -396 through 54 - 411 of the Cook County Code are hereby enacted as follows:

Sec. 54 - 396. General Purpose.

The purpose of this Ordinance, pursuant to the County of Cook home rule power conferred under Article VII, Section 6 of the Illinois Constitution of 1970, is to establish conceal carry licenses, restricted areas to carry a concealed firearm and a revocation process for conceal carry license within Cook County. This Ordinance will only go into effect on June 10, 2013 if the Illinois General Assembly fails to pass a conceal carry license as ordered by the 7th Circuit Court of Appeals in Moore v. Madigan and will remain in effect until and unless a court grants a stay of or overturns the 7th Circuit's mandate. This Ordinance will grant authority to the Cook County Sheriff to issue conceal carry licenses to authorized persons.

Sec. 54 - 397. Definitions.

The following definitions "Concealed firearm" means a loaded or unloaded handgun carried on or about a person completely from view of the public, or carried in a vehicle in such a way it is concealed from view of the public.

"Sheriff" means the Cook County Sheriff's Office.

"Fund" means the Cook County Public Safety Fund.

"Handgun" means any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand, and includes a combination of parts from which that firearm can be assembled.

"Handgun" includes, but is not limited to, magazines, ammunition, laser sighting devices and other accessories that would be intrinsic to a handgun carried for defensive purposes. "Handgun" does not include a stun gun or taser.

"License" means a license issued by the Cook County Sheriff's Office to carry a loaded or unloaded handgun.

"Licensee" means a person issued a license to carry a concealed firearm.

"Peace Officer" means (i) any person who by virtue of his or her office or public employment is vested

by law with a duty to maintain public order and to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State. The term "peace officer" does not apply to an alderman acting as a conservator of the peace under Section 3.1-15-25 of the Illinois Municipal Code or any other elected official acting as conservator of the peace under Illinois law.

Sec. 54 - 398. Cook County Public Safety Fund.

Fees from applications for licenses shall be deposited into the Cook County Public Safety Fund.

Sec. 54 - 399. Issuance of licenses to carry a concealed firearm.

- (a) Sheriff may issue a license to an applicant who:
- (1) Meets the qualifications of Section 54 - 400.
 - (2) Has provided the application and documentation required in Section 54 - 401; and
 - (3) Has submitted the requisite fee. The Sheriff shall issue a renewal, corrected, or duplicate license in accordance with this Ordinance.
- (a-5) A license shall permit the licensee to:
- (1) Carry concealed a loaded or unloaded handgun on or about his or her person;
 - (2) Keep or carry a loaded or unloaded handgun on or about his or her person when in a vehicle; and
 - (3) Keep a loaded or unloaded handgun concealed in a vehicle.
- (a-10) A license issued by the Sheriff under this Ordinance shall be valid throughout the County.
- (a-15) A licensee shall possess a license at all times the licensee carries a concealed firearm except:
- (1) If the person is carrying or possessing a concealed firearm and the person is on his or her land, or in his or her abode or legal dwelling, or in the abode or legal dwelling of another person, including private property open to the public, as an invitee with that person's permission to carry or possess a firearm in the abode or dwelling;
 - (2) If the person is authorized to carry a firearm under Section 24-2 of the Criminal Code of 2012; or
 - (3) The handgun is broken down in a non-functioning state, or is not immediately accessible, or is enclosed in a case, firearm carrying box, shipping box or any other container.
- (a-20) A licensee shall display the license upon the request of a peace officer or person designated to enforce the provisions of Section 54 - 407 or 54 - 400 when carrying a handgun under the provisions of this Ordinance.
- (b) The Sheriff shall make applications for a license available no later than 90 days after the effective date of this Ordinance. Applications shall be available at Sheriff's Offices, on the Sheriff's official website, and any other location designated by the Sheriff.
- (c) A completed application for a license shall be submitted to the Sheriff's Office with all accompanying materials and fees. The Sheriff shall promptly return an incomplete application to the applicant. Each applicant for a license shall submit a \$300.00 application fee to the Department,

\$70.00 of which shall be deposited into the Cook County Public Safety Fund.

(d) The Sheriff's Office shall notify the municipal police department in the municipality where an applicant resides of the name, address, and date of birth of any person submitting an application for a license. The municipal police department may submit to the Sheriff an objection to an application, provided the objection is in writing, and includes specific reasons for the objection. Any objection submitted by a municipal police department, including reports submitted to the Sheriff must be disclosed to the applicant unless disclosure would interfere with a criminal investigation.

(e) The Sheriff may consider any objection or recommendation made by a municipal police department and may determine the application ineligible based solely on those objections. If the applicant is found by the Sheriff to be ineligible, the Sheriff shall deny the application and notify the applicant and the municipal police department in writing, stating the grounds for denial. The notice of denial must inform the applicant that he or she may, within 90 days, appeal the denial and submit additional materials relevant to the grounds for denial. Upon receiving the additional documentation, the Sheriff shall reconsider his or her decision and inform the applicant within 90 days of the result of the reconsideration. If upon reconsideration the Sheriff denies the application, the applicant must be informed of the right to administrative review.

(f) A license shall be valid for a period of 5 years.

Sec. 54 - 400. Qualifications of an applicant for a license.

The Sheriff shall issue a license to an applicant completing an application in accordance with Section 54 - 401 of this Ordinance if the applicant demonstrates to the satisfaction of the Sheriff that he or she has:

- (a) Is at least 21 years of age;
- (b) Has a valid Firearm Owner's Identification Card;
- (c) Resides within the County of Cook;
- (d) Is a responsible person of good moral character and that the issuance of the license to the applicant is consistent with public safety.
- (e) A demonstrated need for protection.
- (f) Has not been convicted of a misdemeanor involving the use or threat of physical force or violence to any person, a misdemeanor crime of domestic violence or a misdemeanor involving the manufacture, sale, carrying, possession, or use of a firearm, dangerous weapon, deadly weapon, or ammunition;
- (g) Is not the subject of a pending arrest warrant, prosecution or proceeding for an offense or action that could lead to disqualification;
- (h) Does not chronically and habitually abuse drugs or alcoholic beverages as evidenced by the applicant having 2 or more convictions for violating Section 11-501 of the Illinois Vehicle Code or similar provision of a local Ordinance within 5 years preceding the date of the application, or if the applicant has elected treatment under the supervision of a licensed program in accordance with the Alcoholism and Other Drug Abuse and Dependency Act or similar laws of any other state, within 5 years preceding the date of the application;
- (i) Has completed a 40 hour firearms training and education course from a licensed instructor within the 90 days preceding the date of application.
- (j) Possesses the same powers of eyesight as required for a driver's license under Section 6-109 of the Illinois Vehicle Code;

(k) Has not within the preceding 5 years, been the respondent to An order of protection or civil stalking no contact order or similar law of another jurisdiction;

(l) Has not been arrested 3 times within the past 7 years for any combination of gang-related offenses.

Sec. 54 - 401. Contents of the application.

The application shall be in writing, under oath or affirmation and under penalty of perjury, on a standard form adopted by the Sheriff and shall be accompanied by the documentation required in this section and all applicable fees.

(a) The application shall contain the following information:

(1) The applicant's name, current address and phone number, gender, date and year of birth, place of birth, height, weight, hair color, eye color, maiden name or any other name the applicant has used or identified with, and any address at which the applicant resided more than 30 days within the 5 years preceding the date of the application;

(2) The applicant's driver's license or state identification card and the last 4 digits of the applicant's social security number;

(3) Proof that the applicant is a resident of Cook County and has been a resident for at least the previous 30 days as evidenced by information provided under (a)(1) of this subsection;

(4) Questions to certify or demonstrate the applicant has completed the firearms training and education required in Section 54 - 400 of this Ordinance ;

(5) Whether the federal government or a governmental entity in any state or subdivision of any state has denied or revoked the applicant's license, permit, registration, or certificate pertaining to any firearm, and if so, the jurisdiction, the identifying number of the license, permit, registration, or certificate, the reason for denial or revocation, and the date of denial or revocation;

(6) Whether the applicant has failed a drug test within the preceding 5 years, and if so, the provider of the test, the specific substance involved, and the date of the test;

(7) Whether the applicant has ever been prohibited by law from purchasing, possessing, or carrying a firearm, and if so, the jurisdiction, the date, and the reason for the prohibition;

(8) Whether the applicant has been suspended or expelled from a post-secondary educational institution, such as a college, or university, because of suspected mental illness or violent behavior, and if so, the name of the school, the date, and the reason for the suspension or expulsion;

(9) A waiver of privacy and confidentiality rights and privileges of the applicant under all federal and State laws, including those governing access to juvenile court, criminal justice, psychological, or psychiatric records, or records relating to the applicant's history, if any, of institutionalization or inpatient treatment for alcoholism or alcohol detoxification, as well as affirmative request that any person having custody of those records provide copies of them or information concerning them to the Sheriff for the sole purpose of making a determination of an applicant's eligibility under Section 54 - 400;

(10) An affirmation that the applicant possesses a currently valid Illinois Firearm Owner's Identification Card;

(11) An affirmation that the applicant has never been convicted in this State or any other State of:

(A) A felony;

- (B) A misdemeanor involving the use or threat of physical force or violence to any person;
- (C) A misdemeanor involving the use, possession, or distribution of a controlled substance or cannabis within the 10 years preceding the date of the application; or
- (D) A misdemeanor involving the manufacture, sale, carrying, possession, or use of a firearm, dangerous weapon, deadly weapon, or ammunition;
- (12) An affirmation that the applicant meets the requirement of Section 54 -- 400 and is not prohibited under State or federal law from possessing a firearm;
- (13) A conspicuous warning that a false statement made by the applicant will result in prosecution for perjury in accordance with Section 32-2 of the Criminal Code of 2012;
- (14) An affirmation that the applicant has read and understands Article 7 of the Criminal Code of 2012;
- (15) A written agreement that, if the person is approached by a peace officer while carrying a concealed firearm under the license, the person will immediately inform the officer that he or she is in possession of a firearm and a license to carry a concealed firearm, and will submit to a pat down search and allow the officer to take possession of the firearm for the duration of the encounter;
- (16) Proof that the applicant possesses the same powers of eyesight as required for a driver's license under Section 6-109 of the Illinois Vehicle Code; and if the applicant does not possess a current Illinois driver's license, the applicant may present a current optometrist's or ophthalmologist's statement certifying the vision reading obtained from the applicant; and
- (17) A letter of necessity signed by the applicant establishing the reason the applicant needs a concealed firearm license. The letter shall contain written answers to the following questions in order to establish the personal safety reasons the applicant seeks the license;
- (c) A person applying for a license shall provide a head and shoulder color photograph in a size specified by the Sheriff that was taken within the 30 days preceding the date of the application. The applicant shall consent to the Sheriff reviewing and using the applicant's digital driver's license or Illinois Identification Card photograph and signature, if available. The Secretary of State shall allow the Sheriff access to the photograph and signature for the purpose of identifying the applicant and issuing the applicant a license.
- (d) Each applicant for a license shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Sheriff shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the Cook County Public Safety Fund and shall not exceed the actual cost of the records check. Fingerprinting of an applicant may be administered by the Sheriff or any other federal, State, or municipal law enforcement agency.
- (c) A person applying for a license shall submit a photocopy of a certificate or other evidence of completion of a firearms training and education course within 90 days of the date of application to show compliance with Section 54 - 400 of this Ordinance.
- (f) The Sheriff is authorized to establish a system for electronically submitting applications, including applications for renewal or a replacement license.

Sec. 54 - 402. Investigation of an applicant.

The Sheriff shall complete a background check on an applicant for a license to carry a concealed firearm to ensure compliance with the requirements of this Ordinance and any federal or State laws,

and local Ordinances. The background check shall include a search of the following:

- (a) The National Instant Criminal Background Check System of the Federal Bureau of Investigation;
- (b) Any available State and local criminal history record information files, including records of juvenile adjudications;
- (c) Any available federal, State, and local records regarding wanted persons;
- (d) Any available federal, State, and local records of domestic violence restraining and protective orders;
- (e) Any available federal, State, and local records identifying persons who are unlawful users of or addicted to any controlled substance as defined in Section 802 of Title 21 of the United States Code;
- (f) The files of the Department of Human Services relating to mental health and developmental disabilities; and
- (g) Any other available files of any federal, State, local agency, and other entity (private or public) in any jurisdiction likely to contain information relevant to whether the applicant is prohibited from purchasing or possessing a firearm under federal or State law, or local Ordinance.

Sec. 54 - 403. Database of applicants and licensees.

- (a) Not more than 2 years after the effective date of this Ordinance:
 - (1) The Sheriff's Office shall maintain a database of applicants for a license and licensees. The database shall be available to all Illinois law enforcement agencies, State's Attorneys, and the Attorney General. Members and staff of the judiciary may access the database for the purpose of determining whether to confiscate a license or to ensure compliance with this Ordinance or any other law. The database shall be searchable and provide all information included in the application, a photo of the applicant or licensee, and any information related to violations of this Ordinance.
 - (2) The Sheriff's Office shall make available on its website and upon request under the Freedom of Information Act statistical information about the number of licenses issued by municipality, age, race, or gender. The report shall be updated quarterly. Except as provided in this subsection, applications and information in the database shall be confidential and exempt from disclosure under the Freedom of Information Act. The Sheriff's Office may answer requests to confirm or deny whether a person has been issued a license as part of inquiries dealing with a criminal investigation. Individual law enforcement agencies, State's Attorneys, the Attorney General, members of the judiciary, and judicial staff shall sign a confidentiality agreement, prepared by the Sheriff's Office, prior to receiving access to the database. No law enforcement agency, State's Attorney, the Attorney General, or member of staff of the judiciary, other than the Sheriff's Office, shall provide any information to a requestor not entitled to it by law, except as required or necessary for the conduct of a criminal investigation.
- (b) Individual law enforcement agencies or any other entity of local government shall not maintain any separate records, lists, or searchable databases of applicants and licensees containing information included in the Sheriff's database.

Sec. 54 - 404. Suspension or revocation of a license.

- (a) A license issued or renewed under this Ordinance shall be revoked if, at any time, the licensee is found ineligible for a license based on the criteria set forth in Section 54 - 400 of this Ordinance or the licensee no longer possesses a Firearm Owner's Identification Card. A licensee shall not be revoked unless the revocation is for reasons specifically authorized by this Ordinance. This subsection shall not apply to a person who has filed an application with the State Police for

renewal of a Firearm Owner's Identification Card and who is not otherwise ineligible to obtain a Firearm Owner's Identification Card.

(b) A license shall be revoked if an order of protection under Section 112A-14 of the Code of Criminal Procedure of 1963 or under Section 214 of the Illinois Domestic Violence Act of 1986 is issued against a licensee. The license shall be suspended for the duration of the order or until the order is terminated. If an order of protection is issued against a licensee, the licensee shall surrender the license, as applicable, to the court at the time the licensee is entered or to the law enforcement agency or entity designated to serve process at the time the licensee is served the order. The court, law enforcement agency, or entity responsible for serving the order shall transmit the license to the Sheriff's Office.

(c) The Sheriff's Office may suspend a license for a violation of Section 54 - 407.

(d) A license shall be invalid upon expiration of the license, unless the licensee has submitted an application to renew the license. A person who fails to renew his or her license within 6 months after its expiration must reapply for a new license and pay the fee for a new application.

(e) The Sheriff may suspend a license for up to 90 days if a licensee fails to submit a change of address or name or fails to report a lost or destroyed license to the Sheriff within 30 days of the discovery of the loss or destruction of the license.

(f) Every person whose concealed carry license is suspended or revoked shall immediately return his or her concealed carry license to the Cook County Sheriff. If revocation is based on a FOID card becoming invalid, the person shall also return the FOID card and provide an accounting of all weapons owned. Failure to return the license is a business offense with a minimum fee of \$100.00. Any person found carrying a concealed firearm after suspension or revocation of his or her license shall be subject to prosecution under Article 24 of the Criminal Code of 2012 for unlawful use of weapons.

Sec. 54 - 405. Renewal of License.

(a) Not later than 120 days before the expiration of any license issued under this Ordinance, the Sheriff shall notify the licensee in writing of the expiration and furnish an application for renewal of the license or make the application available on-line.

(b) Applications for renewal of a license shall be made to the Sheriff. A license shall be renewed for a period of 5 years upon receipt of a completed renewal application and a \$100.00 renewal fee. The renewal application shall contain the information required in Section 54 -- 401, except that the applicant need not resubmit a full set of fingerprints. Each applicant for a renewal shall submit, on a form prescribed by the Sheriff, proof that the applicant has:

(1) Successfully completed an equivalent range exercise as prescribed in Section 54 - 401 and certified to by an instructor qualified under Section 54 - 410 or a certified law enforcement instructor, or

(2) Successfully completed firearm instructor training under Section 54 - 410.

(c) The Sheriff shall make the range recertification form available on its website or as part of a renewal application.

Sec. 54 - 406. Change of address, change of name, or lost or destroyed licenses.

(a) The licensee shall notify the Sheriff within 30 days of: (i) moving or changing a residence or any change of name; or (ii) the discovery of the loss or destruction of a license.

(b) The licensee shall immediately notify the Sheriff if moving outside of the County of Cook.

(c) If a licensee changes residence within this County or changes his or her name, the licensee

shall request a new license. The licensee shall submit a \$50.00 fee, a notarized statement that the licensee has changed residence or his or her address or name.

Sec. 54 - 407. Restrictions.

(a) No license issued under this Ordinance shall authorize any person to knowingly carry a concealed firearm into:

(1) Any building or office under the control of the State of Illinois, Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer.

(2) Any building under the control of the State, General Assembly, General Assembly support service agency, including a building in which a committee of the General Assembly convenes for the purpose of conducting meetings of committees, joint committees, legislative commissions, and any property or parking lot area under control of the General Assembly that is adjacent to or near a prohibited building in this Section.

(3) All county facilities including clinics and hospitals under the Cook County Health and Hospital System.

(4) Any courthouse or part of that building that is occupied by the Circuit, Appellate, or Supreme Court, or a room designated for court proceedings by any of these courts, except as provided in subsection (b) or this Section.

(5) Any meeting of the governing body of a unit of local government or special district.

(6) Any building, adjacent property or parking lot area under the control of or owned by any establishment that maintains a retail liquor license as provided in subsection (d) of Section 5-1 of the Liquor Control Act of 1934 and allows for the sale and consumption of alcoholic beverages on its premises as an on premise consumption retailer.

(7) Any secure area of an airport to which access is controlled by the inspection of persons and property.

(8) Any place where the carrying of a firearm is prohibited by federal law.

(9) Any preschool, elementary school, or secondary school or any portion of any school building thereof; or any school property surrounding a preschool, elementary school, or secondary school building, including but not limited to sidewalks and parking lot areas adjacent to or near preschool, elementary school, or secondary school property.

(10) Any portion of a building used as a child care facility, or any adjacent property or parking lot area under control of or owned by a child care facility. Nothing in this paragraph (9) shall prevent the owner or operator of a child care facility in a family home from owning or possessing a firearm or license, so long as the firearm is stored, unloaded, in a locked container.

(11) Any gaming facility or any adjacent property or parking lot area under control of or owned by a gaming facility licensed under the Riverboat Gambling Act or the Horse Racing Act of 1975.

(12) Any gated area of an amusement park, or any adjacent property or parking lot area under control of or owned by an amusement park.

(13) Any stadium, arena, or collegiate or professional sporting event, or any adjacent property or parking lot area under the control of or owned by a facility where carry is prohibited under this paragraph (12).

(14) Any hospital or mental health facility, or onto any adjacent property or parking lot area under the control of or owned by a hospital or mental health facility.

- (15) Any library, public museum or cultural institution or onto any adjacent property or parking lot area under the control of or owned by a library, public museum or cultural institution.
- (16) Any police, Sheriff, or State Police office or station without the consent of the chief law enforcement officer in charge of that office or station.
- (17) Any adult or juvenile detention or correctional institution, prison, or jail.
- (18) Buses, trains, or any form of transportation paid for in part or whole with public funds, any private, charter or parochial school bus and any transportation facility and the surrounding premises under its control.
- (19) Any polling place on any election day.
- (20) Any building owned, leased, or controlled by a municipality or any building or property owned, leased or controlled by a school district unless authorized by a majority vote of members of its governing board. Nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm on any sidewalk, on any highway or roadway, in any public restroom, or rest stop.
- (21) Any property (including but not limited to any street, driveway, or parking lot), building or facility owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission.
- (a-5) Nothing in this Ordinance shall preempt, abridge, limit, or diminish the authority of community colleges, and public and private colleges and universities from prohibiting, restricting or otherwise regulating firearms on their campuses, grounds and other property, including but not limited to sidewalks, commons, and highways, owned by the community college or public or private college or university or in buildings used in whole or in part for housing, classrooms, laboratories, medical clinics, hospitals, and artistic, athletic and entertainment venues; or on or in property owned, controlled or leased by officially recognized student organizations or officially recognized university-related organizations.
- (b) Judges, State's Attorneys, and assistant State's Attorneys with the permission of the State's Attorney, who possess a valid license under this Act may possess a firearm in any courthouse in which they are employed, but shall be required to follow any rules applicable to sworn peace officers to maintain facility security.
- (c) The owner, manager, or operator of a building or of a business or a commercial lessee, or a private business enterprise, or any other private organization, entity, or person, may prohibit licensees from carrying a concealed firearm on the premises, including buildings, parking lots, or other property under its control.
- (d) Any person licensed under this Ordinance who is prohibited from carrying a concealed firearm into a building by the provisions of subsection (a) or under a resolution, or policy adopted in accordance with subsection (a-5) or (c) shall be permitted to store that firearm or ammunition out of plain sight in his or her locked vehicle or in a locked compartment or container within or securely affixed to the outside of the vehicle. A licensee shall not be in violation of this Section while he or she is traversing a public right of way that touches or crosses any of the premises specified in subsection (a) or from which firearms are prohibited under the provisions of subsection (a-5) or (c), provided that the firearm is carried on his or her person or in a vehicle in accordance with this Ordinance or is being transported in a case or container in accordance with applicable law. A licensee shall not be in violation of subsection (c) if the responsible party for the premises fails to conspicuously post notice of the prohibition at all public entrances to the building in accordance with subsection (g).
- (d-5) A license to carry a concealed firearm issued or renewed under this Ordinance may include any additional reasonable restrictions or conditions which the Sheriff deems warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry a firearm.

(e) If a law enforcement officer initiates an investigative stop, including but not limited to a traffic stop, of a licensee who is carrying a concealed firearm, the licensee shall immediately disclose to the officer that he or she is in possession of a concealed firearm under this Ordinance. The licensee shall comply with all lawful orders and directions from the officer. For the safety of the officer and the public, the officer may conduct a pat down of the licensee and take possession of the firearm for the duration of the encounter.

(f) A licensee shall not carry a handgun under the provisions of this Ordinance while under the influence of controlled substances, hallucinogenic drugs, any prescribed medication that causes impairment, or alcohol. For purposes of this subsection (f), "under the influence of alcohol" means a blood alcohol content of .08 or greater.

(g) Signs stating that the carrying of a firearm is prohibited shall be clearly and conspicuously posted at every entrance of a building or premises specified in subsection (a) or designated in accordance with subsection (a-5) or (c). Signs shall be of uniform size and design, not smaller than 8 inches by 10 inches as prescribed by the Sheriff's Office. The Sheriff's Office shall adopt rules for standardized signs to be used under this subsection.

(g-5) A licensee shall only carry a concealed firearm similar to the firearm that he or she trained under Section 54 - 400.

(h) Penalties.

(1) For any violation of subsection (a), (b), (d), (e), or (f), the Sheriff may suspend the license for one year. For any 2 violations the Sheriff may permanently revoke the license.

Sec. 54 - 408. Immunity from liability.

The Cook County Sheriff, or any employee or agent of the Cook County Sheriff, shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, revoking, or failing to revoke licenses issued under this Ordinance, except for willful or wanton misconduct. The Sheriff, or any employee or agent of the Sheriff, shall not be liable for submitting specific or articulable reasons why an applicant should be denied a license, unless the objection contains false, malicious, or inaccurate information and the objection constitutes willful and wanton misconduct.

Sec. 54 - 409. Fees.

(a) Fees collected under this Ordinance by the Sheriff and deposited into the Cook County Public Safety fund, shall be appropriated for administration of this Ordinance.

(b) Fees shall be:

(1) New license: \$300.00.

(2) Renewal of license: \$100.00.

(3) Duplicate license due to lost, destroyed or change of address: \$50.00.

Sec. 54 - 410. Applicant training.

(a) Applicants shall provide proof of completion of a firearms training course that consisted of at least 40 hours of instruction in a course approved by the Illinois Law Enforcement Training and Standards Board that contained the following topics:

(1) Handgun safety in the classroom, at home, on the firing range, and while carrying the firearm.

(2) The basic principles of marksmanship.

(3) Care and cleaning of handguns.

(4) Laws relating to the justifiable use of force as prescribed in article 7 of the Criminal Code of 2012.

(5) The requirements of this Ordinance.

(6) Laws relating to the Firearm owners Identification Act, 430 ILCS 65/1 et seq. and 18 U.S.C. 921 through 930.

(b) Applicants shall provide proof of certification by a certified instructor that the applicant passed a live fire exercise with a handgun consisting of:

(1) A minimum of 30 rounds; and

(2) Ten rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards, and 10 rounds from a distance of 10 yards at a B-21 silhouette or equivalent target.

(c) Applicants shall be trained and qualify on any firearm they seek to carry concealed. During the firearm safety training course, the applicant must satisfactorily demonstrate to the instructor the safe handling of each firearm the applicant seeks to carry concealed, including demonstrating the proper loading and unloading of the handgun.

(1) Laws relating to firearms as prescribed in this course consisted of at least 40 hours of instruction.

Sec. 54 - 411. Severability.

If any section, subsection, paragraph, sentence or clause of this article or the application thereof to any person is for any reason deemed to be invalid or unconstitutional, such decision shall not affect, impair or invalidate any remaining section, subsection, paragraph, sentence or clause hereof or the application of this article to any other person.

Effective Date.

This Ordinance shall take effect only in the event that the Illinois General Assembly does not pass a conceal carry weapons law before June 9, 2013 or the 7th United States Supreme Court does not grant the State of Illinois an extension under Moore v. Madigan. This Ordinance will only go into effect on June 10, 2013 if the Illinois General Assembly fails to pass a conceal carry law consistent with the 7th Circuit Court of Appeals mandate in Moore v. Madigan and will remain in effect until and unless a court grants a stay of or overturns the 7th Circuit's mandate.

Sponsors: LARRY SUFFREDIN

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
11/19/2014	1	Board of Commissioners	receive and file	
11/19/2014	1	Legislation and Intergovernmental Relations Committee	recommend for receiving and filing	Pass
5/8/2013	1	Board of Commissioners	refer	

PROPOSED ORDINANCE

COB #323392

THE CONCEALED FIREARM SAFETY ORDINANCE

Submitting a Proposed Ordinance sponsored by Larry Suffredin, County Commissioner.

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 54 Licenses, Permits and Miscellaneous Business Regulations, Article XI The Concealed Firearms Safety Ordinance, Sections 54 -396 through 54 - 411 of the Cook County Code are hereby enacted as follows:

Sec. 54 - 396. General Purpose.

The purpose of this Ordinance, pursuant to the County of Cook home rule power conferred under Article VII, Section 6 of the Illinois Constitution of 1970, is to establish conceal carry licenses, restricted areas to carry a concealed firearm and a revocation process for conceal carry license within Cook County. This Ordinance will only go into effect on June 10, 2013 if the Illinois General Assembly fails to pass a conceal carry license as ordered by the 7th Circuit Court of Appeals in *Moore v. Madigan* and will remain in effect until and unless a court grants a stay of or overturns the 7th Circuit's mandate. This Ordinance will grant authority to the Cook County Sheriff to issue conceal carry licenses to authorized persons.

Sec. 54 - 397. Definitions.

The following definitions "*Concealed firearm*" means a loaded or unloaded handgun carried on or about a person completely from view of the public, or carried in a vehicle in such a way it is concealed from view of the public.

"*Sheriff*" means the Cook County Sheriff's Office.

"*Fund*" means the Cook County Public Safety Fund.

"*Handgun*" means any device which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas that is designed to be held and fired by the use of a single hand, and includes a combination of parts from which that firearm can be assembled. "Handgun" includes, but is not limited to, magazines, ammunition, laser sighting devices and other accessories that would be intrinsic to a handgun carried for defensive purposes. "Handgun" does not include a stun gun or taser.

"*License*" means a license issued by the Cook County Sheriff's Office to carry a loaded or unloaded handgun.

"*Licensee*" means a person issued a license to carry a concealed firearm.

"*Peace Officer*" means (i) any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order and to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State. The term "peace officer" does not apply to an alderman acting as a conservator of the peace under Section 3.1-15-25 of the Illinois Municipal Code or any other elected official acting as conservator of the peace under Illinois law.

Sec. 54 - 398. Cook County Public Safety Fund.

Fees from applications for licenses shall be deposited into the Cook County Public Safety Fund.

Sec. 54 - 399. Issuance of licenses to carry a concealed firearm.

(a) Sheriff may issue a license to an applicant who:

(1) Meets the qualifications of Section 54 - 400.

- (2) Has provided the application and documentation required in Section 54 - 401; and
- (3) Has submitted the requisite fee. The Sheriff shall issue a renewal, corrected, or duplicate license in accordance with this Ordinance.
- (a-5) A license shall permit the licensee to:
- (1) Carry concealed a loaded or unloaded handgun on or about his or her person;
 - (2) Keep or carry a loaded or unloaded handgun on or about his or her person when in a vehicle; and
 - (3) Keep a loaded or unloaded handgun concealed in a vehicle.
- (a-10) A license issued by the Sheriff under this Ordinance shall be valid throughout the County.
- (a-15) A licensee shall possess a license at all times the licensee carries a concealed firearm except:
- (1) If the person is carrying or possessing a concealed firearm and the person is on his or her land, or in his or her abode or legal dwelling, or in the abode or legal dwelling of another person, including private property open to the public, as an invitee with that person's permission to carry or possess a firearm in the abode or dwelling;
 - (2) If the person is authorized to carry a firearm under Section 24-2 of the Criminal Code of 2012; or
 - (3) The handgun is broken down in a non-functioning state, or is not immediately accessible, or is enclosed in a case, firearm carrying box, shipping box or any other container.
- (a-20) A licensee shall display the license upon the request of a peace officer or person designated to enforce the provisions of Section 54 - 407 or 54 - 400 when carrying a handgun under the provisions of this Ordinance.
- (b) The Sheriff shall make applications for a license available no later than 90 days after the effective date of this Ordinance. Applications shall be available at Sheriff's Offices, on the Sheriff's official website, and any other location designated by the Sheriff.
- (c) A completed application for a license shall be submitted to the Sheriff's Office with all accompanying materials and fees. The Sheriff shall promptly return an incomplete application to the applicant. Each applicant for a license shall submit a \$300.00 application fee to the Department, \$70.00 of which shall be deposited into the Cook County Public Safety Fund.
- (d) The Sheriff's Office shall notify the municipal police department in the municipality where an applicant resides of the name, address, and date of birth of any person submitting an application for a license. The municipal police department may submit to the Sheriff an objection to an application, provided the objection is in writing, and includes specific reasons for the objection. Any objection submitted by a municipal police department, including reports submitted to the Sheriff must be disclosed to the applicant unless disclosure would interfere with a criminal investigation.
- (e) The Sheriff may consider any objection or recommendation made by a municipal police department and may determine the application ineligible based solely on those objections. If the applicant is found by the Sheriff to be ineligible, the Sheriff shall deny the application and notify the applicant and the municipal police department in writing, stating the grounds for denial. The notice of denial must inform the applicant that he or she may, within 90 days, appeal the denial and submit additional materials relevant to the grounds for denial. Upon receiving the additional documentation, the Sheriff shall reconsider his or her decision and inform the applicant within 90 days of the result of the reconsideration. If upon reconsideration the Sheriff denies the application, the applicant must be informed of the right to administrative review.

- (f) A license shall be valid for a period of 5 years.

Sec. 54 - 400. Qualifications of an applicant for a license.

The Sheriff shall issue a license to an applicant completing an application in accordance with Section 54 - 401 of this Ordinance if the applicant demonstrates to the satisfaction of the Sheriff that he or she has:

- (a) Is at least 21 years of age;
- (b) Has a valid Firearm Owner's Identification Card;
- (c) Resides within the County of Cook;
- (d) Is a responsible person of good moral character and that the issuance of the license to the applicant is consistent with public safety.
- (e) A demonstrated need for protection.
- (f) Has not been convicted of a misdemeanor involving the use or threat of physical force or violence to any person, a misdemeanor crime of domestic violence or a misdemeanor involving the manufacture, sale, carrying, possession, or use of a firearm, dangerous weapon, deadly weapon, or ammunition;
- (g) Is not the subject of a pending arrest warrant, prosecution or proceeding for an offense or action that could lead to disqualification;
- (h) Does not chronically and habitually abuse drugs or alcoholic beverages as evidenced by the applicant having 2 or more convictions for violating Section 11-501 of the Illinois Vehicle Code or similar provision of a local Ordinance within 5 years preceding the date of the application, or if the applicant has elected treatment under the supervision of a licensed program in accordance with the Alcoholism and Other Drug Abuse and Dependency Act or similar laws of any other state, within 5 years preceding the date of the application;
- (i) Has completed a 40 hour firearms training and education course from a licensed instructor within the 90 days preceding the date of application.
- (j) Possesses the same powers of eyesight as required for a driver's license under Section 6-109 of the Illinois Vehicle Code;
- (k) Has not within the preceding 5 years, been the respondent to An order of protection or civil stalking no contact order or similar law of another jurisdiction;
- (l) Has not been arrested 3 times within the past 7 years for any combination of gang-related offenses.

Sec. 54 - 401. Contents of the application.

The application shall be in writing, under oath or affirmation and under penalty of perjury, on a standard form adopted by the Sheriff and shall be accompanied by the documentation required in this section and all applicable fees.

- (a) The application shall contain the following information:
 - (1) The applicant's name, current address and phone number, gender, date and year of birth, place of birth, height, weight, hair color, eye color, maiden name or any other name the applicant has used or identified with, and any address at

which the applicant resided more than 30 days within the 5 years preceding the date of the application;

- (2) The applicant's driver's license or state identification card and the last 4 digits of the applicant's social security number;
- (3) Proof that the applicant is a resident of Cook County and has been a resident for at least the previous 30 days as evidenced by information provided under (a)(1) of this subsection;
- (4) Questions to certify or demonstrate the applicant has completed the firearms training and education required in Section 54 - 400 of this Ordinance ;
- (5) Whether the federal government or a governmental entity in any state or subdivision of any state has denied or revoked the applicant's license, permit, registration, or certificate pertaining to any firearm, and if so, the jurisdiction, the identifying number of the license, permit, registration, or certificate, the reason for denial or revocation, and the date of denial or revocation;
- (6) Whether the applicant has failed a drug test within the preceding 5 years, and if so, the provider of the test, the specific substance involved, and the date of the test;
- (7) Whether the applicant has ever been prohibited by law from purchasing, possessing, or carrying a firearm, and if so, the jurisdiction, the date, and the reason for the prohibition;
- (8) Whether the applicant has been suspended or expelled from a post-secondary educational institution, such as a college, or university, because of suspected mental illness or violent behavior, and if so, the name of the school, the date, and the reason for the suspension or expulsion;
- (9) A waiver of privacy and confidentiality rights and privileges of the applicant under all federal and State laws, including those governing access to juvenile court, criminal justice, psychological, or psychiatric records, or records relating to the applicant's history, if any, of institutionalization or inpatient treatment for alcoholism or alcohol detoxification, as well as affirmative request that any person having custody of those records provide copies of them or information concerning them to the Sheriff for the sole purpose of making a determination of an applicant's eligibility under Section 54 - 400;
- (10) An affirmation that the applicant possesses a currently valid Illinois Firearm Owner's Identification Card;
- (11) An affirmation that the applicant has never been convicted in this State or any other State of:
 - (A) A felony;
 - (B) A misdemeanor involving the use or threat of physical force or violence to any person;
 - (C) A misdemeanor involving the use, possession, or distribution of a controlled substance or cannabis within the 10 years preceding the date of the application; or
 - (D) A misdemeanor involving the manufacture, sale, carrying, possession, or use of a firearm, dangerous weapon, deadly weapon, or ammunition;
- (12) An affirmation that the applicant meets the requirement of Section 54 -- 400 and is not prohibited under State or federal law from possessing a firearm;
- (13) A conspicuous warning that a false statement made by the applicant will result in prosecution for perjury in accordance with Section 32-2 of the Criminal Code of 2012;

- (14) An affirmation that the applicant has read and understands Article 7 of the Criminal Code of 2012;
- (15) A written agreement that, if the person is approached by a peace officer while carrying a concealed firearm under the license, the person will immediately inform the officer that he or she is in possession of a firearm and a license to carry a concealed firearm, and will submit to a pat down search and allow the officer to take possession of the firearm for the duration of the encounter;
- (16) Proof that the applicant possesses the same powers of eyesight as required for a driver's license under Section 6-109 of the Illinois Vehicle Code; and if the applicant does not possess a current Illinois driver's license, the applicant may present a current optometrist's or ophthalmologist's statement certifying the vision reading obtained from the applicant; and
- (17) A letter of necessity signed by the applicant establishing the reason the applicant needs a concealed firearm license. The letter shall contain written answers to the following questions in order to establish the personal safety reasons the applicant seeks the license;

(c) A person applying for a license shall provide a head and shoulder color photograph in a size specified by the Sheriff that was taken within the 30 days preceding the date of the application. The applicant shall consent to the Sheriff reviewing and using the applicant's digital driver's license or Illinois Identification Card photograph and signature, if available. The Secretary of State shall allow the Sheriff access to the photograph and signature for the purpose of identifying the applicant and issuing the applicant a license.

(d) Each applicant for a license shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Sheriff shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the Cook County Public Safety Fund and shall not exceed the actual cost of the records check. Fingerprinting of an applicant may be administered by the Sheriff or any other federal, State, or municipal law enforcement agency.

(c) A person applying for a license shall submit a photocopy of a certificate or other evidence of completion of a firearms training and education course within 90 days of the date of application to show compliance with Section 54 - 400 of this Ordinance.

(f) The Sheriff is authorized to establish a system for electronically submitting applications, including applications for renewal or a replacement license.

Sec. 54 - 402. Investigation of an applicant.

The Sheriff shall complete a background check on an applicant for a license to carry a concealed firearm to ensure compliance with the requirements of this Ordinance and any federal or State laws, and local Ordinances. The background check shall include a search of the following:

- (a) The National Instant Criminal Background Check System of the Federal Bureau of Investigation;
- (b) Any available State and local criminal history record information files, including records of juvenile adjudications;
- (c) Any available federal, State, and local records regarding wanted persons;
- (d) Any available federal, State, and local records of domestic violence restraining and protective

orders;

(e) Any available federal, State, and local records identifying persons who are unlawful users of or addicted to any controlled substance as defined in Section 802 of Title 21 of the United States Code;

(f) The files of the Department of Human Services relating to mental health and developmental disabilities; and

(g) Any other available files of any federal, State, local agency, and other entity (private or public) in any jurisdiction likely to contain information relevant to whether the applicant is prohibited from purchasing or possessing a firearm under federal or State law, or local Ordinance.

Sec. 54 - 403. Database of applicants and licensees.

(a) Not more than 2 years after the effective date of this Ordinance:

(1) The Sheriff's Office shall maintain a database of applicants for a license and licensees. The database shall be available to all Illinois law enforcement agencies, State's Attorneys, and the Attorney General. Members and staff of the judiciary may access the database for the purpose of determining whether to confiscate a license or to ensure compliance with this Ordinance or any other law. The database shall be searchable and provide all information included in the application, a photo of the applicant or licensee, and any information related to violations of this Ordinance.

(2) The Sheriff's Office shall make available on its website and upon request under the Freedom of Information Act statistical information about the number of licenses issued by municipality, age, race, or gender. The report shall be updated quarterly. Except as provided in this subsection, applications and information in the database shall be confidential and exempt from disclosure under the Freedom of Information Act. The Sheriff's Office may answer requests to confirm or deny whether a person has been issued a license as part of inquiries dealing with a criminal investigation. Individual law enforcement agencies, State's Attorneys, the Attorney General, members of the judiciary, and judicial staff shall sign a confidentiality agreement, prepared by the Sheriff's Office, prior to receiving access to the database. No law enforcement agency, State's Attorney, the Attorney General, or member of staff of the judiciary, other than the Sheriff's Office, shall provide any information to a requestor not entitled to it by law, except as required or necessary for the conduct of a criminal investigation.

(b) Individual law enforcement agencies or any other entity of local government shall not maintain any separate records, lists, or searchable databases of applicants and licensees containing information included in the Sheriff's database.

Sec. 54 - 404. Suspension or revocation of a license.

(a) A license issued or renewed under this Ordinance shall be revoked if, at any time, the licensee is found ineligible for a license based on the criteria set forth in Section 54 - 400 of this Ordinance or the licensee no longer possesses a Firearm Owner's Identification Card. A licensee shall not be revoked unless the revocation is for reasons specifically authorized by this Ordinance. This subsection shall not apply to a person who has filed an application with the State Police for renewal of a Firearm Owner's Identification Card and who is not otherwise ineligible to obtain a Firearm Owner's Identification Card.

(b) A license shall be revoked if an order of protection under Section 112A-14 of the Code of Criminal Procedure of 1963 or under Section 214 of the Illinois Domestic Violence Act of 1986 is issued against a licensee. The license shall be suspended for the duration of the order or until the order is terminated. If an order of protection is issued against a licensee, the licensee shall surrender the license, as applicable, to the court at the time the licensee is entered or to the law enforcement agency or entity designated to serve process at the time the licensee is served the order. The court, law enforcement agency, or entity responsible for serving the order shall transmit the license to the

Sheriff's Office.

(c) The Sheriff's Office may suspend a license for a violation of Section 54 - 407.

(d) A license shall be invalid upon expiration of the license, unless the licensee has submitted an application to renew the license. A person who fails to renew his or her license within 6 months after its expiration must reapply for a new license and pay the fee for a new application.

(e) The Sheriff may suspend a license for up to 90 days if a licensee fails to submit a change of address or name or fails to report a lost or destroyed license to the Sheriff within 30 days of the discovery of the loss or destruction of the license.

(f) Every person whose concealed carry license is suspended or revoked shall immediately return his or her concealed carry license to the Cook County Sheriff. If revocation is based on a FOID card becoming invalid, the person shall also return the FOID card and provide an accounting of all weapons owned. Failure to return the license is a business offense with a minimum fee of \$100.00. Any person found carrying a concealed firearm after suspension or revocation of his or her license shall be subject to prosecution under Article 24 of the Criminal Code of 2012 for unlawful use of weapons.

Sec. 54 - 405. Renewal of License.

(a) Not later than 120 days before the expiration of any license issued under this Ordinance, the Sheriff shall notify the licensee in writing of the expiration and furnish an application for renewal of the license or make the application available on-line.

(b) Applications for renewal of a license shall be made to the Sheriff. A license shall be renewed for a period of 5 years upon receipt of a completed renewal application and a \$100.00 renewal fee. The renewal application shall contain the information required in Section 54 -- 401, except that the applicant need not resubmit a full set of fingerprints. Each applicant for a renewal shall submit, on a form prescribed by the Sheriff, proof that the applicant has:

(1) Successfully completed an equivalent range exercise as prescribed in Section 54 - 401 and certified to by an instructor qualified under Section 54 - 410 or a certified law enforcement instructor, or

(2) Successfully completed firearm instructor training under Section 54 - 410.

(c) The Sheriff shall make the range recertification form available on its website or as part of a renewal application.

Sec. 54 - 406. Change of address, change of name, or lost or destroyed licenses.

(a) The licensee shall notify the Sheriff within 30 days of: (i) moving or changing a residence or any change of name; or (ii) the discovery of the loss or destruction of a license.

(b) The licensee shall immediately notify the Sheriff if moving outside of the County of Cook.

(c) If a licensee changes residence within this County or changes his or her name, the licensee shall request a new license. The licensee shall submit a \$50.00 fee, a notarized statement that the licensee has changed residence or his or her address or name.

Sec. 54 - 407. Restrictions.

(a) No license issued under this Ordinance shall authorize any person to knowingly carry a concealed firearm into:

- (1) Any building or office under the control of the State of Illinois, Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, or Treasurer.
- (2) Any building under the control of the State, General Assembly, General Assembly support service agency, including a building in which a committee of the General Assembly convenes for the purpose of conducting meetings of committees, joint committees, legislative commissions, and any property or parking lot area under control of the General Assembly that is adjacent to or near a prohibited building in this Section.
- (3) All county facilities including clinics and hospitals under the Cook County Health and Hospital System.
- (4) Any courthouse or part of that building that is occupied by the Circuit, Appellate, or Supreme Court, or a room designated for court proceedings by any of these courts, except as provided in subsection (b) or this Section.
- (5) Any meeting of the governing body of a unit of local government or special district.
- (6) Any building, adjacent property or parking lot area under the control of or owned by any establishment that maintains a retail liquor license as provided in subsection (d) of Section 5-1 of the Liquor Control Act of 1934 and allows for the sale and consumption of alcoholic beverages on its premises as an on premise consumption retailer.
- (7) Any secure area of an airport to which access is controlled by the inspection of persons and property.
- (8) Any place where the carrying of a firearm is prohibited by federal law.
- (9) Any preschool, elementary school, or secondary school or any portion of any school building thereof; or any school property surrounding a preschool, elementary school, or secondary school building, including but not limited to sidewalks and parking lot areas adjacent to or near preschool, elementary school, or secondary school property.
- (10) Any portion of a building used as a child care facility, or any adjacent property or parking lot area under control of or owned by a child care facility. Nothing in this paragraph (9) shall prevent the owner or operator of a child care facility in a family home from owning or possessing a firearm or license, so long as the firearm is stored, unloaded, in a locked container.
- (11) Any gaming facility or any adjacent property or parking lot area under control of or owned by a gaming facility licensed under the Riverboat Gambling Act or the Horse Racing Act of 1975.
- (12) Any gated area of an amusement park, or any adjacent property or parking lot area under control of or owned by an amusement park.
- (13) Any stadium, arena, or collegiate or professional sporting event, or any adjacent property or parking lot area under the control of or owned by a facility where carry is prohibited under this paragraph (12).
- (14) Any hospital or mental health facility, or onto any adjacent property or parking lot area under the control of or owned by a hospital or mental health facility.
- (15) Any library, public museum or cultural institution or onto any adjacent property or parking lot area under the control of or owned by a library, public museum or cultural institution.
- (16) Any police, Sheriff, or State Police office or station without the consent of the chief law enforcement officer in charge of that office or station.

(17) Any adult or juvenile detention or correctional institution, prison, or jail.

(18) Buses, trains, or any form of transportation paid for in part or whole with public funds, any private, charter or parochial school bus and any transportation facility and the surrounding premises under its control.

(19) Any polling place on any election day.

(20) Any building owned, leased, or controlled by a municipality or any building or property owned, leased or controlled by a school district unless authorized by a majority vote of members of its governing board. Nothing in this paragraph shall prohibit a licensee from carrying a concealed firearm on any sidewalk, on any highway or roadway, in any public restroom, or rest stop.

(21) Any property (including but not limited to any street, driveway, or parking lot), building or facility owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission.

(a-5) Nothing in this Ordinance shall preempt, abridge, limit, or diminish the authority of community colleges, and public and private colleges and universities from prohibiting, restricting or otherwise regulating firearms on their campuses, grounds and other property, including but not limited to sidewalks, commons, and highways, owned by the community college or public or private college or university or in buildings used in whole or in part for housing, classrooms, laboratories, medical clinics, hospitals, and artistic, athletic and entertainment venues; or on or in property owned, controlled or leased by officially recognized student organizations or officially recognized university-related organizations.

(b) Judges, State's Attorneys, and assistant State's Attorneys with the permission of the State's Attorney, who possess a valid license under this Act may possess a firearm in any courthouse in which they are employed, but shall be required to follow any rules applicable to sworn peace officers to maintain facility security.

(c) The owner, manager, or operator of a building or of a business or a commercial lessee, or a private business enterprise, or any other private organization, entity, or person, may prohibit licensees from carrying a concealed firearm on the premises, including buildings, parking lots, or other property under its control.

(d) Any person licensed under this Ordinance who is prohibited from carrying a concealed firearm into a building by the provisions of subsection (a) or under a resolution, or policy adopted in accordance with subsection (a-5) or (c) shall be permitted to store that firearm or ammunition out of plain sight in his or her locked vehicle or in a locked compartment or container within or securely affixed to the outside of the vehicle. A licensee shall not be in violation of this Section while he or she is traversing a public right of way that touches or crosses any of the premises specified in subsection (a) or from which firearms are prohibited under the provisions of subsection (a-5) or (c), provided that the firearm is carried on his or her person or in a vehicle in accordance with this Ordinance or is being transported in a case or container in accordance with applicable law. A licensee shall not be in violation of subsection (c) if the responsible party for the premises fails to conspicuously post notice of the prohibition at all public entrances to the building in accordance with subsection (g).

(d-5) A license to carry a concealed firearm issued or renewed under this Ordinance may include any additional reasonable restrictions or conditions which the Sheriff deems warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry a firearm.

(e) If a law enforcement officer initiates an investigative stop, including but not limited to a traffic stop, of a licensee who is carrying a concealed firearm, the licensee shall immediately disclose to the officer that he or she is in possession of a concealed firearm under this Ordinance. The licensee shall comply with all lawful orders and directions from the officer. For the safety of the officer and the public, the officer may conduct a pat down of the

licensee and take possession of the firearm for the duration of the encounter.

(f) A licensee shall not carry a handgun under the provisions of this Ordinance while under the influence of controlled substances, hallucinogenic drugs, any prescribed medication that causes impairment, or alcohol. For purposes of this subsection (f), "under the influence of alcohol" means a blood alcohol content of .08 or greater.

(g) Signs stating that the carrying of a firearm is prohibited shall be clearly and conspicuously posted at every entrance of a building or premises specified in subsection (a) or designated in accordance with subsection (a-5) or (c). Signs shall be of uniform size and design, not smaller than 8 inches by 10 inches as prescribed by the Sheriff's Office. The Sheriff's Office shall adopt rules for standardized signs to be used under this subsection.

(g-5) A licensee shall only carry a concealed firearm similar to the firearm that he or she trained under Section 54 - 400.

(h) Penalties.

(1) For any violation of subsection (a), (b), (d), (e), or (f), the Sheriff may suspend the license for one year. For any 2 violations the Sheriff may permanently revoke the license.

Sec. 54 - 408. Immunity from liability.

The Cook County Sheriff, or any employee or agent of the Cook County Sheriff, shall not be liable for damages in any civil action arising from alleged wrongful or improper granting, renewing, revoking, or failing to revoke licenses issued under this Ordinance, except for willful or wanton misconduct. The Sheriff, or any employee or agent of the Sheriff, shall not be liable for submitting specific or articulable reasons why an applicant should be denied a license, unless the objection contains false, malicious, or inaccurate information and the objection constitutes willful and wanton misconduct.

Sec. 54 - 409. Fees.

(a) Fees collected under this Ordinance by the Sheriff and deposited into the Cook County Public Safety fund, shall be appropriated for administration of this Ordinance.

(b) Fees shall be:

- (1) New license: \$300.00.
- (2) Renewal of license: \$100.00.
- (3) Duplicate license due to lost, destroyed or change of address: \$50.00.

Sec. 54 - 410. Applicant training.

(a) Applicants shall provide proof of completion of a firearms training course that consisted of at least 40 hours of instruction in a course approved by the Illinois Law Enforcement Training and Standards Board that contained the following topics:

- (1) Handgun safety in the classroom, at home, on the firing range, and while carrying the firearm.
- (2) The basic principles of marksmanship.
- (3) Care and cleaning of handguns.

- (4) Laws relating to the justifiable use of force as prescribed in article 7 of the Criminal Code of 2012.
- (5) The requirements of this Ordinance.
- (6) Laws relating to the Firearm owners Identification Act, 430 ILCS 65/1 *et seq.* and 18 U.S.C. 921 through 930.

(b) Applicants shall provide proof of certification by a certified instructor that the applicant passed a live fire exercise with a handgun consisting of:

- (1) A minimum of 30 rounds; and
- (2) Ten rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards, and 10 rounds from a distance of 10 yards at a B-21 silhouette or equivalent target.

(c) Applicants shall be trained and qualify on any firearm they seek to carry concealed. During the firearm safety training course, the applicant must satisfactorily demonstrate to the instructor the safe handling of each firearm the applicant seeks to carry concealed, including demonstrating the proper loading and unloading of the handgun.

- (1) Laws relating to firearms as prescribed in this course consisted of at least 40 hours of instruction.

Sec. 54 - 411. Severability.

If any section, subsection, paragraph, sentence or clause of this article or the application thereof to any person is for any reason deemed to be invalid or unconstitutional, such decision shall not affect, impair or invalidate any remaining section, subsection, paragraph, sentence or clause hereof or the application of this article to any other person.

Effective Date.

This Ordinance shall take effect only in the event that the Illinois General Assembly does not pass a conceal carry weapons law before June 9, 2013 or the 7th United States Supreme Court does not grant the State of Illinois an extension under *Moore v. Madigan*. This Ordinance will only go into effect on June 10, 2013 if the Illinois General Assembly fails to pass a conceal carry law consistent with the 7th Circuit Court of Appeals mandate in *Moore v. Madigan* and will remain in effect until and unless a court grants a stay of or overturns the 7th Circuit's mandate.