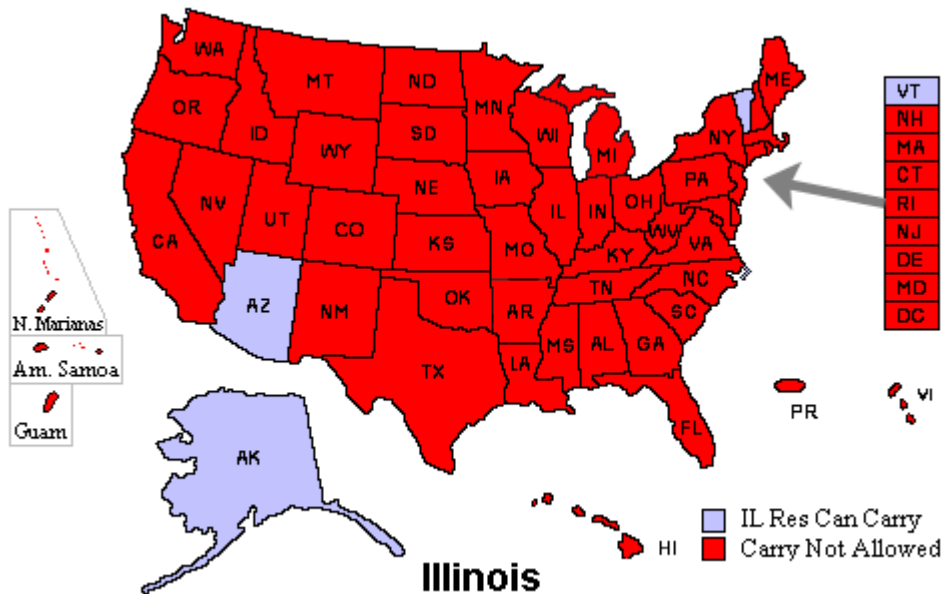


## Illinois

Non Issue

Must Inform Officer: N/A



### Links

[State Firearms Site](#)

[FOID Card FAQ's](#)

[Apply for FOID Card](#)

[State FAQ Site](#)

[State Statutes](#)

[State Admin Rules](#)

[State Attorney General](#)

[ISP FAQ's on Transporting Firearms](#)

[Secretary of State](#)

Last Updated: 12/14/12

## Permits/Licenses This State Honors

The United States Court of Appeals For the Seventh Circuit ruled on December 11, 2012 that Illinois ban on issuing Concealed Carry Permit/Licenses was Unconstitutional. They were ordered to come up with a law in 180 days. This decision will most likely be appealed and the order stayed for a period of time. You can read the decision [Here](#).

Illinois Does not honor any other states Permits/Licenses

Illinois residents can carry in Alaska, Arizona and Vermont. AK, AZ and VT allow anyone who can legally own a firearm to carry it concealed without any type of permit/license. You must be 21 years of age and must have ID.

### **Firearms Owners Identification Card (FOID Card)**

The FOID card was created in 1968, by the FOID Act, as a way to identify those persons eligible to possess and acquire firearms and firearm ammunition as part of a public safety initiative in the State of Illinois.

**Q.** Who needs a FOID card?

- A.** Unless specifically exempted by statute, any Illinois resident who acquires or possesses firearm or firearm ammunition within the State must have in their possession a valid Firearm Owner's Identification (FOID) card issued in his or her name.

**Q.** Where can I obtain a FOID application?

- A.** A FOID application can be downloaded from the Illinois State Police website at <http://www.isp.state.il.us/foid/foidapp.cfm> or applications may be obtained at most retail stores where firearms are sold.

## How to Apply for A Permit

Illinois does not issue any type of Permit/License to carry a firearm concealed.

[www.handgunlaw.us](http://www.handgunlaw.us)

## Non-Resident Permits

Illinois does not issue any type of Permit/License to carry a firearm concealed.

## Places Off-Limits Even With A Permit/License

Non carry state. Carrying firearms in Illinois is very difficult unless unloaded and stored so they are not accessible.

## Where You Can Carry A Firearm

### **720 ILCS 5/24-1 (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, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission.

**Note:** You can view the Ordinances for many Illinois Cities [Here](#)

## Carry In State Parks/State & National Forests/WMA/Road Side Rest Areas

### **Carry Allowed in these Areas:**

**State Parks:** N/A

**State/National Forests:** N/A

**WMA's:** N/A

**Road Side Rest Areas:** N/A

## RV/Car Carry Without A Permit/License

### **[720 ILCS 5/24-1](#)**

**(4)** Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, 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:

- (i)** are broken down in a non-functioning state; or
- (ii)** are not immediately accessible; or
- (iii)** are unloaded and enclosed in a case,

**Note:** To legally possess a firearm in Illinois the law states you must have a FOID Card. Non Residents cannot obtain a FOID Card from Illinois. The Illinois Supreme Court ruled in [Appellee, v.LEONARD HOLMES, JR.](#) that: “therefore, a valid permit or license from another state can substitute for the FOID card requirement in section 24–1.6.

**Note:** The Illinois Supreme Court ruled on 10/8/2009 (Docket # 106367) that the Center Console of a vehicle was a case and anyone with a FOID Card could carry an unloaded firearm in the closed Center  
[www.handgunlaw.us](http://www.handgunlaw.us)

Console. This applied to one case and other laws also apply to carrying firearms in vehicles. I would use extreme caution when carrying firearms in vehicles in Illinois. If you are a non resident of Illinois you do not have a FOID Card issued by the State of Illinois. Those with a FOID Card can transport a firearm differently than those who do not. I would follow the wording in the Q&A below. You can Read the IL Supreme Ct Decision [Here](#).

### **Transporting Firearms Through Illinois (From the Illinois State Police)**

**This is from the IL State Police FAQ's on Transporting Firearm through Illinois:**

#### **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 (UW) 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.

#### **What constitutes a legal "case"?**

The Criminal Code refers to "a case, firearm carrying box, shipping box, or other container." However, the Wildlife Code is more specific, defining case as *"a container specifically designed for the purpose of housing a gun or bow and arrow device which completely encloses such gun or bow and arrow device by being zipped, snapped, buckled, tied, or otherwise fastened with no portion of the gun or bow and arrow device exposed."*

#### **How do the differences in these two laws affect me for the purposes of the Unlawful Use of Weapons law?**

It is recommended that persons transport their firearms only unloaded and in a case in order to be fully compliant with all statutes. A firearm transported in a container other than a case while engaged in activities covered by the Wildlife Code could subject an individual to a charge of Class B Misdemeanor under the Wildlife Code, but would not be considered Unlawful Use of Weapons if the container were a "firearm carrying box, shipping box, or other container" as provided in the Criminal Code.

#### **If I fail to zip up the case entirely, will I be guilty of a felony?**

No, as long as the firearm is unloaded, and none of the aggravating factors of the Unlawful Use of Weapons law are present. The way to avoid this situation is to make sure firearm cases are completely zipped or otherwise completely fastened shut.

#### **What is immediately accessible?**

The test is if a reasonable person would conclude that the firearm is located within relatively quick reach. It is a Class 4 Felony to have an uncased, loaded firearm immediately accessible. It is recommended that firearms be unloaded and enclosed in a case, and possessed by an individual with a valid FOID card when being transported.

### **What is broken down in a non-functioning state?**

The firearm is disassembled, making it inoperable, e.g., slide or barrel removed.

### **How can I legally transport my firearm in my Sports Utility Vehicle (SUV), pickup truck, van, station wagon, or even a motorcycle?**

The surest way is to have the firearm unloaded and enclosed in a case, and to make sure your FOID card is valid.

### **How do I transport a firearm through an Illinois community with an ordinance that prohibits firearms or handguns?**

Illinois' Unlawful Use of Weapons law does not preempt local ordinances from banning firearms. Persons carrying or transporting firearms through such communities could be subject to local firearm ordinances. Federal law does attempt to provide limited protection in these circumstances, but when transporting firearms in unfamiliar communities, it is a good idea to check with authorities on local law.

### **How can I legally transport ammunition?**

Illinois law requires that residents possessing ammunition must have a valid FOID card. Transporting an unloaded, uncased firearm with ammunition immediately accessible is a Class 4 Felony, unless the firearm is not immediately accessible or is broken down in a non-functioning state. The location of ammunition being transported, including ammunition being transported in loaded magazines, is not regulated if the firearm is possessed or transported lawfully.

### **Is it illegal to have ammunition in the case with the firearm?**

No, if the firearm is unloaded and is properly enclosed in a case and the individual possessing the firearm and ammunition is in possession of a valid FOID card.

### **Can I keep a firearm in my hotel room when I travel?**

Yes, assuming no local ordinance applies. The critical question is how the firearm was carried into the room and transported in a vehicle. Those actions must be done lawfully.

## **State Preemption**

### **430 ILCS 65/13.1 (from Ch. 38, par. 83-13.1)**

#### **Sec. 13.1.**

The provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act.

(Source: P. A. 76-1939.)

## **Deadly Force Laws**

### **Criminal Offenses**

**720 ILCS 5/ Criminal Code of 1961.**

**720 ILCS 5/Art. 7 heading**

**Article 7. Justifiable Use Of Force; Exoneration**

- Sec. 7-1.** Use of force in defense of person.
- Sec. 7-2.** Use of force in defense of dwelling.
- Sec. 7-3.** Use of force in defense of other property.
- Sec. 7-4.** Use of force by aggressor.
- Sec. 7-5.** Peace officer's use of force in making arrest.
- Sec. 7-6.** Private person's use of force in making arrest.
- Sec. 7-7.** Private person's use of force in resisting arrest.
- Sec. 7-8.** Force likely to cause death or great bodily harm.
- Sec. 7-9.** Use of force to prevent escape.
- Sec. 7-11.** Compulsion.
- Sec. 7-12.** Entrapment.
- Sec. 7-13.** Necessity.
- Sec. 7-14.** Affirmative defense.

## Knife Laws State/Cities

To access State/Local Knife Laws Click ["Here"](#)

## Carry in Restaurants That Serve Alcohol

No carry is allowed anywhere in Illinois. Those carrying under LEOSA can carry in places that serve alcohol.

**Note:** A **"YES"** above means you can carry into places like described below. **"NO"** means you can't. Handgunlaw.us definition of **"Restaurant Carry"** is carry in a restaurant that serves alcohol. Places like Friday's, Chili's or Red Lobster. This may or may not mean the bar or the bar area of a restaurant. But you can carry your firearm into a restaurant that serves alcohol and sit and eat without consuming. Handgunlaw.us recommends you not sit at the Bar or in the Bar area of such restaurants. In some states it is illegal to be in the Bar area of such restaurants. Handgunlaw.us believes you should never consume alcohol when carrying your firearm. In some states it is illegal to take even one drink while carrying a firearm. If you want further info on carrying in places that serve alcohol check your state laws.

## Chemical Sprays/Stun Gun/Higher Capacity Magazine Laws

**720 ILCS 5/24-1** The use of a product "...containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older" (non-lethal is the key word in this Illinois Law)

**Illinois 430ILCS65/2** (from Ch. 38, par. 83-2)

### **Sec. 2. Firearm Owner's Identification Card Required; Exceptions.**

(a) (1) No person may acquire or possess any firearm, stun gun, or taser within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act. (Must transport the same as a firearm)

### **Local Restrictions on Magazines:**

#### **Aurora**

(§ 29-49) bans the possession, sale, or acquisition of large capacity feeding devices (magazines with a capacity of more than 15 rounds).

### **Chicago**

(§ 8-20-030(i) and 8-24-025) bans the transfer, acquisition or possession of assault ammunition (any ammunition magazine having a capacity of more than 12 rounds).

### **Franklin Park**

(§ 3-13G-3) bans the transfer, acquisition, possession, manufacture or distribution of assault ammunition (any detachable ammunition magazine having a capacity of more than 16 rounds).

### **Oak Park**

(§§ 27-2-1 and 27-1-2) bans the possession and sale of large capacity feeding devices (magazines with a capacity of more than 10 rounds).

### **Riverdale**

(§ 5.120.180 and 5.120.190) bans the possession, transfer, acquisition or manufacture of assault ammunition (a detachable magazine box with a capacity of “more than 35 rounds centerfire.”).

## **LEOSA State Information**

[LEOSA Information from IROCC](#)

[LEOSA FAQ's From the IL State Police](#)

## **Attorney General Opinions/Court Cases**

[Illinois Supreme Court Decision Stating Car Console is a Storage Box](#)

[Illinois Supreme Court Decision Visitors to State Don't Need FOID Card](#)

[US District Court Illinois – Carry Outside the Home Ruling](#)

[US Appeals Court 7<sup>th</sup> District – Carrying Outside the Home and Must Issue.](#)

## **Airport Carry/Misc. Information**

**Airport Carry:** N/A

**Training Valid for:** N/A

**Time Period to Establish Residency:** N/A

**Minimum Age for Permit/License:** N/A

**Permit/License Info Public Information:** **YES** (FOID Card Info)

**State Fire arm Laws:** 720 ILCS 5/24-1

**State Deadly Force Laws:** 720 ILCS 5/7-1 - 5/7-14

**State Knife Laws:** 720 ILCS 5/24-1 & 720 ILCS 5/33A-1

**Chemical/Electric Weapons Laws:** 720 ILCS 5/24-1

**Body Armor Laws:** 720 ILCS 5/33F

**Does Your Permit Cover Other Weapons Besides Firearms?** N/A

## Notes

### What Does IL Consider A Loaded Firearm?

From the IL DNR [Hunting and Trapping Regulations](#)

#### Q. How may I safely and legally transport ammunition in a vehicle?

A. The location of ammunition being transported, including ammunition being transported in loaded magazines, is not regulated as long as the firearm is unloaded and encased, and the resident possessing the firearm/ammunition holds a valid F.O.I.D. card.

## State Emergency Powers

[\(20 ILCS 3305/7\) \(from Ch. 127, par. 1057\)](#)

### Sec. 7. Emergency Powers of the Governor. (Edited for Space Considerations)

(a) In the event of a disaster, as defined in Section 4, the Governor may, by proclamation declare that a disaster exists. Upon such proclamation, the Governor shall have and may exercise for a period not to exceed 30 days the following emergency powers; provided, however, that the lapse of the emergency powers shall not, as regards any act or acts occurring or committed within the 30 days period, deprive any person, firm, corporation, political subdivision, or body politic of any right or rights to compensation or reimbursement which he, she, it, or they may have under the provisions of this Act:

(1) To suspend the provisions of any regulatory statute prescribing procedures for conduct of State business, or the orders, rules and regulations of any State agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder or delay necessary action, including emergency purchases, by the Illinois Emergency Management Agency, in coping with the disaster.

(2) To utilize all available resources of the State government as reasonably necessary to cope with the disaster and of each political subdivision of the State.

(3) To transfer the direction, personnel or functions of State departments and agencies or units thereof for the purpose of performing or facilitating disaster response and recovery programs.

(5) When required by the exigencies of the disaster, to sell, lend, rent, give, or distribute all or any part of property so or otherwise acquired to the inhabitants of this State, or to political subdivisions of this State, or, under the interstate mutual aid agreements or compacts as are entered into under the provisions of subparagraph (5) of paragraph (c) of Section 6 to other states, and to account for and transmit to the State Treasurer all funds, if any, received therefor.

(6) To recommend the evacuation of all or part of the population from any stricken or threatened area within the State if the Governor deems this action necessary.

(7) To prescribe routes, modes of transportation, and destinations in connection with evacuation.

(8) To control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.

(9) To suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

(10) To make provision for the availability and use of temporary emergency housing.

**Note:** Federal Law can apply if the state is receiving monetary and/or other assistance from the Federal Government. See [US Code 42-5207](#) for Federal Law as it applies to States of Emergencies. The state quoted

code may also not be all of the law on Emergency Powers held by the state. You should read the entire code on Emergency Powers etc for this state by following the link to the state code.

### **Minimum Age for Possessing and Transporting of Handguns.**

**Illinois 18 Y/O 430 ILCS 65/4 Must have a FOID Card. If under 21 must have written consent of his or her parent or legal guardian to obtain FOID Card.**

This is the minimum age for possessing and transporting a handgun unloaded and secured in a vehicle without any type of permit/license to carry firearms.

Some states (and counties) require Firearms Identification Cards, and/or registration.

### **From the Illinois [State Police FAQ's](#)**

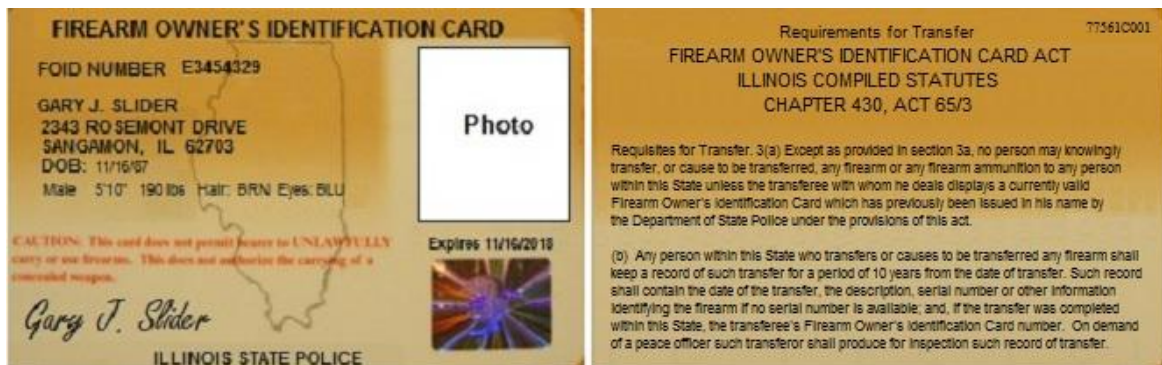
Q. I am under the age of 21, can I apply for a FOID card?

A. Yes. In addition to all other requirements, a person who is under 21 years of age must have the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition. This includes having your application signed by a notary public. Also, he or she must not have been convicted of a misdemeanor other than a traffic offense or adjudged delinquent. The parent or legal guardian providing written consent must be eligible to possess a valid FOID card.

**Note:** In some states Possession and Transportation CAN be very restrictive in that you can ONLY possess and transport a handgun to and from a Shooting Range, Gun Shop, property you own or other places you can legally possess a handgun. Some states do not have this restriction.

This is not the last word on possession and transporting of handguns in this, or any other state. Study your state law further for more information. See "RV/Car Carry" Section Above for more information.

### **Firearm Owners Identification Card Image**



This image has been digitally assembled from 2 or more images. It may not be 100% accurate but gives a good representation of the actual FOID Card.

### **Updates to this Page**

1/10/11 – Link to IL State Police & FOID Card FAQ's Added. Carrying Firearms in a Vehicle Wording Updated.

4/5/11 – Hunting/Trapping Link Repaired. All Links Checked.

4/14/11 – Supreme Court Decision on visitors not needing FOID Card Added.

7/5/11 – FOID Card Info now Private.

9/9/11 – All Links Checked and Updated if Needed.

10/7/11 – Back of FOID Card Added to Image Section

3/2/12 – Link added to Municode to view City Ordinances in IL. All Links Checked.

3/9/12 - Emergency Powers Law added to Notes Section.

4/13/12 – RV/Car Carry Section. Note added about Carry Permit from non residents substitutes as a FOID Card.

[www.handgunlaw.us](http://www.handgunlaw.us)



**6/1/12** – LEOSA Link to FAQ's From IL State Police Added.

**8/17/12** – All Links Checked.

**10/19/12** – Chem Sprays/Stun Guns/Hi Cap Mags Section Updated with IL Law on Stun Guns. Must have FOID Card.

**10/26/12** - Minimum Age for Possessing/Transporting a Handgun Added to Notes Section.

**11/2/12** – FAQ From IL St Police Added to Min Age to Possess/Transport in Notes Section.

**12/12/12** – US District Court Ruling on Carry Outside the Home Added to AG/Ct Case Section.

**12/14/12** – Game Law Was Changed to Match Transporting Firearms to Same as Criminal Code. Reference to that Law Was Removed From the RV/Car Carry Section.