



## OPPOSE HB 182

### **What is the current law?**

Illinois law currently allows individuals to carry firearms on their own land, in their abode, or in their fixed place of business. In addition, carrying firearms is permitted for target shooting and hunting. Since 1961, Illinois has prohibited the carrying of concealed firearms on the person in public.

### **What would HB 182 do?**

As currently amended, HB 182 would revise current law to allow a person to carry or possess a firearm on the land or in the legal dwelling of another person as an "invitee" with that person's "permission."

### **What does HB 182 not do?**

- HB 182 does not establish how permission would officially be granted to an invitee and does not clarify whether an invitee would be required to disclose to the inviter that he or she is carrying a firearm.
- Under HB 182, law enforcement would have no discretion in determining who is fit to carry concealed weapons onto other people's property and would not know who is carrying them. Of the states that allow concealed carry with a permit, 11 allow law enforcement, before issuing a permit, to determine whether an applicant has good cause to carry a concealed firearm and is of good character. HB 182 would deny law enforcement discretion to determine who is fit to carry a concealed weapon. And, by not requiring a permit, it would provide no way for law enforcement to know who is carrying concealed firearms.
- In addition, HB 182 does not adequately define an "invitee" for the purposes of the bill. Under current Illinois law, a person is an invitee in any place that he or she enters for a purpose connected to the property owner's business or other activity permitted on the premises.<sup>1</sup> For example, Illinois courts have decided that customers of businesses and restaurants, spectators at sporting events, job applicants, and babysitters are invitees.<sup>2</sup>

### **Bottom line - HB 182 would remove an important tool law enforcement currently has to protect the public.**

- Law enforcement would no longer be able to charge a threatening or suspicious person who is armed with unlawful possession if they are an "invitee."
- Domestic violence offenders, drug dealers, and gang bangers could invite armed accomplices into their homes to avoid being charged with unlawful possession.
- Before arresting a person for unlawful possession, law enforcement would have to make a complex determination based on a vague standard. Law enforcement would have to determine whether the armed person is an "invitee", determine who owns the land or dwelling, discover the whereabouts of the owner, and decide whether the owner gave permission for the suspicious person to carry a concealed weapon on the premises.

**HB 182 is the first step towards allowing the concealed carrying of firearms in Illinois.** Year after year, Illinois policymakers reject concealed carry legislation. In the current legislative session, five concealed carry bills were introduced but failed to pass either chamber. Why? Because concealed carry endangers the public and is strongly opposed by Illinois voters:

A 2004 poll conducted by Overbrook Research, a Republican pollster, found that 68% of Illinois voters oppose allowing individuals to carry concealed firearms in public with a permit.

### **For more information about HB 182 or Concealed Carry, contact:**

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<sup>1</sup> See 1-16 Illinois Tort Law § 16.02.

<sup>2</sup> See *Id.*