



Board of Trustees

Northern Illinois University

The Illinois Firearm Concealed Carry Act [430 ILCS 66]
Proposed University Concealed Carry Policy

August 29, 2013

AGENDA

- Time Line
- Summary of relevant provisions of Firearms Act
- Highlights of Proposed University Concealed Carry Policy
- Discussion of Next Steps

1986	• 16 states do not allow any form of concealed carry.
2008	• <u>District of Columbia v. Heller</u> : US Supreme Court holds that Americans have an individual right described in the Second Amendment to possess firearms for traditionally lawful purposes.
2010	• <u>McDonald v. City of Chicago</u> : US Supreme Court holds that Chicago's ban on firearms is unconstitutional.
12/11 2012	• <u>Moore v. Madigan</u> : U.S. Court of Appeals for the 7 th Circuit strikes down Illinois' prohibition on carrying a concealed weapon, but stays implementation for 180 days to allow the state to draft legislation.
5/31 2013	• IL Senate and House pass House Bill 183 (Firearm Concealed Carry Act).
5/6 2013	• Firearm Concealed Carry Act sent to Gov. Quinn.
7/1 2013	• President Baker convenes Cabinet to develop Concealed Carry Policy for NIU.
7/2 2013	• Gov. Quinn issues Amendatory Veto of Firearm Concealed Carry Act.
7/8 2013	• First Draft of NIU Concealed Carry Policy presented.
7/9 2013	• IL Senate and House override Governor's Veto. Illinois is the 50 th state to allow concealed carry by passage of the Firearm Concealed Carry Act (430 ILCS 66/).
8/19 2013	• President Baker and the Cabinet present policy to University Advisory Committee.
8/29 2013	• Proposed Policy presented to Board of Trustees.
8/30 2013	• University initiates university wide concealed carry education effort. • University also begins development of division protocols.
8/30 2013	• University and higher education community work with State Police on rules and regulations and possible revisions to Illinois Firearm Concealed Carry Act.
1/6 2014	• IL State Police are required to make Concealed Carry applications available.

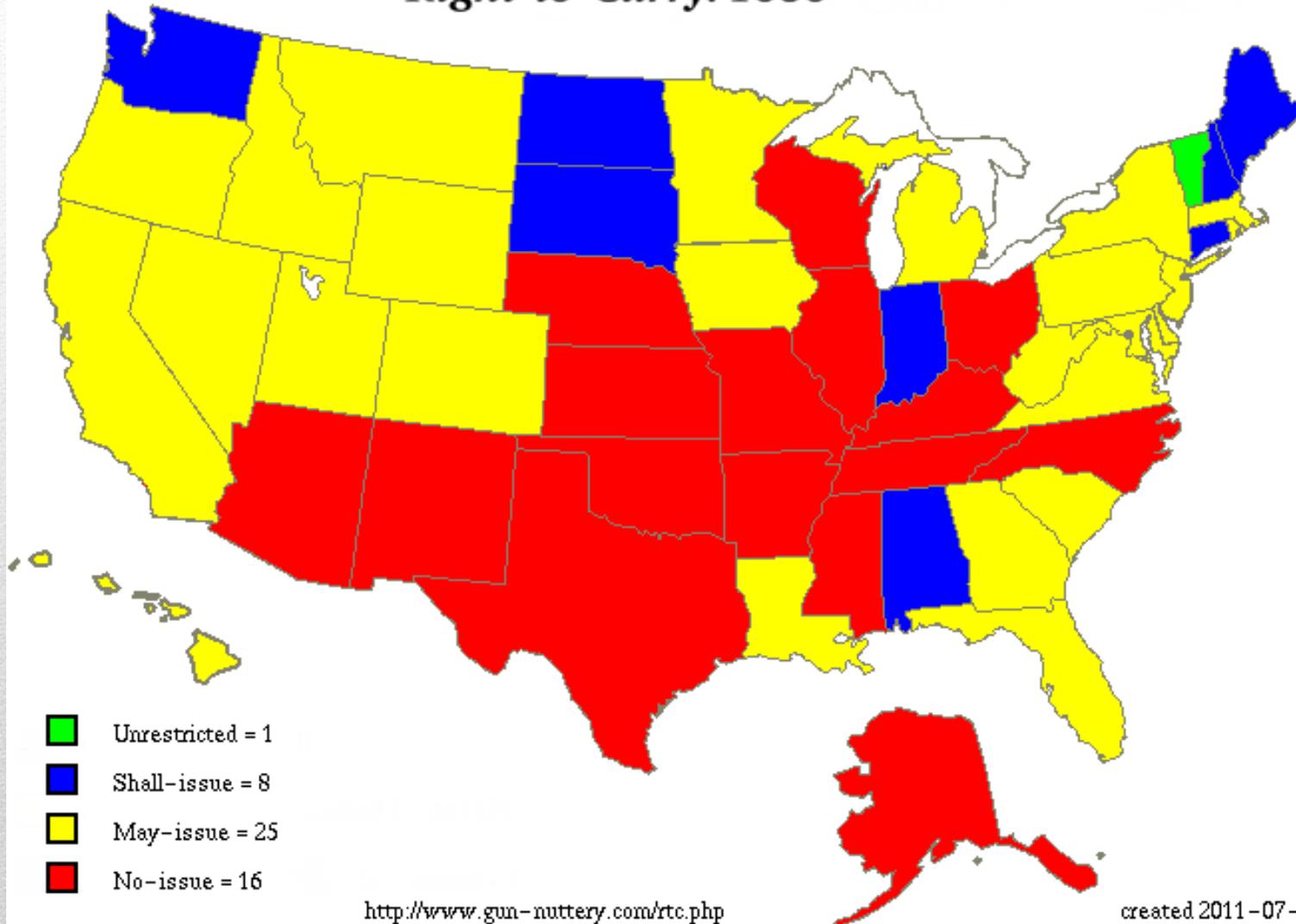
Timeline

National Experience in the Development of Concealed Carry Laws

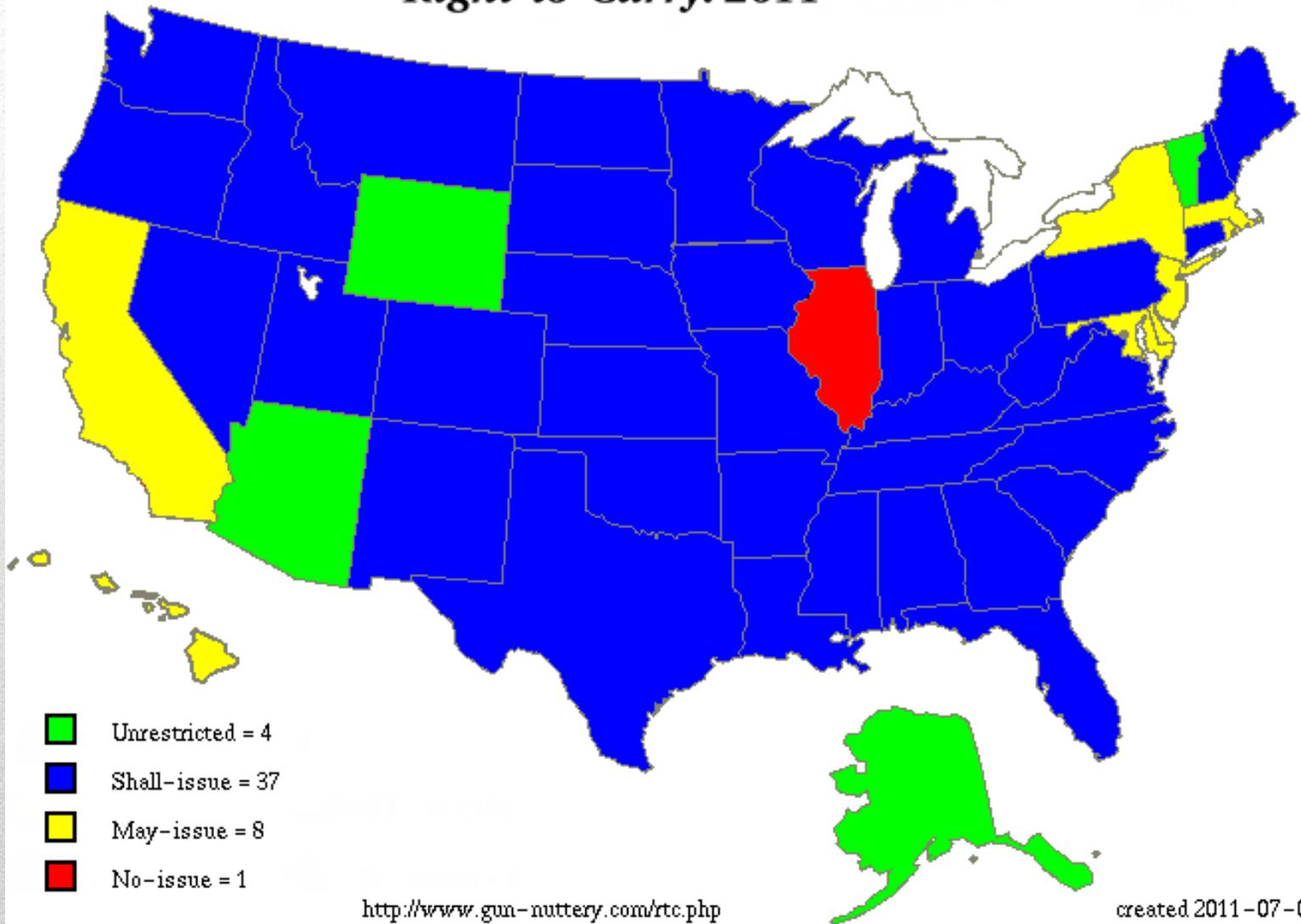
25 Years of Legislative Action



Right-to-Carry: 1986



Right-to-Carry: 2011



Institutions of higher education, including public or private community colleges, colleges, or universities are **explicitly included as prohibited areas**.

Section 65(15) specifically states:

*Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization property, whether owned or leased, and any real property, including parking areas, sidewalks, and common areas **under the control of a public or private community college, college, or university.***

Concealed Carry Act

Higher Education



The following represent those provisions of the Act which are most relevant to higher education.

1. The Act makes NIU **a prohibited area** for carrying a concealed firearm.
2. The Act authorizes NIU **to create regulations** restricting persons from carrying concealed firearms onto its property in NIU vehicles.
3. The Act authorizes NIU **to establish regulations** regarding the storage and maintenance of firearms on NIU property.

Concealed Carry Act



The Act **allows**:

1. Carrying or use of firearms for the **instruction** of officially recognized programs or for use in **designated** hunting or target shooting **areas**.
2. Carrying a concealed firearm **within a vehicle into a prohibited parking area** if the **firearm and its ammunition remain locked out of plain view** within the parked vehicle. If the person removes the concealed firearm from the vehicle, it must first be unloaded, and it may only be removed for the limited purpose of storing or retrieving it from the trunk of the vehicle.
3. Carrying a concealed firearm along a **public right of way that touches or crosses prohibited property**.

The Act **requires**:

1. NIU to **clearly and conspicuously post signs** of uniform design, as determined by the Department of State Police, at entrances stating that the carrying of concealed firearms is prohibited.
2. The **chief administrative officer of NIU or his/her designee** to **report** to the Department of State Police within 24 hours a **student who is determined to pose a clear and present danger**.

Concealed Carry Act



Actions that may **not** be taken by NIU:

- NIU **may not prohibit** a person carrying a concealed firearm from being on a public right of way that touches University property if:
 - The concealed firearm is carried by the person in accordance with the provisions of the Act
- OR
- The concealed firearm is being transported by the person in accordance with the applicable provisions of the Act.

Concealed Carry Act



- **Prohibits:** (1) Any person covered by the Policy from possessing a weapon or firearm on NIU property; (2) Any person covered by the Policy from displaying, brandishing, discharging or otherwise using any and all weapons or firearms, including concealed weapons or firearms.
- **Allows:** Weapon or firearm to be properly stored in vehicles in University parking areas except where otherwise restricted by the University.

Highlights of Proposed Policy

- **Expands** definition of firearm and creates “weapons” category which includes:
 - any device that shoots a bullet etc. – including but not limited to machine guns, rifles, shotguns, handguns or other firearm, BB/pellet gun, spring gun, paint ball gun, flare gun, stun gun, taser or dart gun and any ammunition for any such device. Any replica of the foregoing is also prohibited.
 - any explosive device – including but not limited to firecrackers and black powder.
 - any device designed or traditionally used to inflicting harm – including but not limited to bows and arrows, any knife with a blade longer than three inches, hunting knife, fixed blade knife, throwing knives, dagger, razor or other cutting instrument the blade of which is exposed.
- **Includes** threatening, intimidating, bullying as prohibited activities.

Highlights of Proposed Policy

- **Storage:**

- Primary place of storage is within **locked case out of plain view within parked vehicle** in unrestricted parking area.
- When storage within vehicle is not practical, storage must be made with **NIU Department of Police** and Public Safety.
- Storage through Department of Police and Public Safety is available **24 hours a days, 7 days a week**.
- **Prior arrangements** for such storage must be made with Department of Police and Public Safety.

Highlights of Proposed Policy

- **Exceptions:**

- Weapon or firearm for weapons safety or weapons **education course**
- Weapon or firearm carried by **full-time law enforcement officer** as condition of employment; weapon or firearm carried by enforcement officer from external agency on official business at NIU; any other exception deemed necessary by NIU Chief of Police
- Weapon or firearm for sanctioned classes, athletics, recreational sports, or events requiring use of such weapon (e.g. fencing, starter pistols and archery)
- Simulated weapon or firearm for NIU-related **theatrical productions**

Exceptions do not apply to off-duty law enforcement officers on Campus.

Highlights of Proposed Policy

Decision by Board of Trustees on:

1. Proposed Concealed Carry Policy
2. Ongoing oversight and support of Concealed Carry Policy

Actions by the University:

1. Development of Protocols
2. Development and Implementation of Training
3. University Participation in Development of State Rules and Regulations

Next Steps

