

ALERTS

Labor & Employment Law Alert - New Illinois Gun Law Requires Employer Action To Keep Workplaces Gun-Free

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Recent Illinois gun legislation means employers will shortly confront a new, potentially troublesome workplace issue: concealed firearms.

On July 9, 2013, Illinois lawmakers voted to override Governor Pat Quinn's veto of House Bill 183, thus making Illinois the last state in the nation to allow the concealed carry of firearms. The law's passage comes in the wake of last year's Seventh Circuit ruling that Illinois' ban on concealed carry was unconstitutional. The General Assembly's vote occurred just in the nick of time, since the Seventh Circuit gave Illinois lawmakers until July 9 to revise its concealed carry law.

The bill reflects a compromise between both sides of the heated gun control debate that has stirred controversy throughout the state for years. Though certainly a victory for pro-firearm advocates, the legislation includes a host of limitations for those wanting to carry concealed firearms. Applicants seeking a concealed carry license must complete 16 hours of training, cannot have been convicted of a violent misdemeanor or any felony, and are subject to thorough mental health and background checks. Also, many places are off-limits to those carrying firearms, including schools, hospitals, public transportation, and sports arenas.

Of most concern to employers, though, are the provisions pertaining to private property owners. The bill leaves it to the discretion of property owners whether to permit or prohibit the concealed carry of firearms on their premises. For those who wish to prohibit firearms on their property, the bill mandates that owners post a sign "clearly and conspicuously" at the entrance of their building or property. The sign will be standardized according to state police guidelines, which have yet to be issued, though the bill specifies that the sign shall be four by six inches.

Still, even if property owners prohibit concealed carry and comply with the sign-posting requirements, licensees may still lawfully store their firearms in their vehicles while parked on the premises. The bill, however, mandates that licensees keep their firearms out of plain view and that they keep their car locked. Also, the bill provides a caveat that allows concealed carry in the "immediate area surrounding" the licensee's vehicle for the purpose of storing and retrieving a firearm from the vehicle's trunk, provided the gun is unloaded.

There remains uncertainty for those employers who operate on leased premises. The bill is unclear on whether "owner" encompasses lessees and those running business on leased property. However, it is expected that once the state police department issues regulations regarding the signage requirements, which is to occur within the next six months, the

RELATED PEOPLE



Kenneth J. Yerkes

Partner
Indianapolis

P 317-231-7513
F 317-231-7433
ken.yerkes@btlaw.com



John T.L. Koenig

Partner
Atlanta

P 404-264-4018
F 404-264-4033
john.koenig@btlaw.com



Norma W. Zeitler

Partner
Chicago

P 312-214-8312
F 312-759-5646
norma.zeitler@btlaw.com



William A. Nolan

Partner
Columbus

P 614-628-1401
F 614-628-1433
bill.nolan@btlaw.com

ambiguity will be resolved.

For employers, the new concealed carry law is important in at least three respects. First, it leaves it entirely up to employers, as property owners, whether to allow or prohibit the concealed carry of firearms in their workplaces. Second, if employers want to keep their premises gun-free, they must post signs to that effect “clearly and conspicuously” around the entrances to their properties. Third, employers must be aware that even if they do prohibit firearms and comply with the law’s sign requirements, guns may still be lawfully on their property if locked, and out of plain sight, inside a vehicle. Ultimately, it is up to employers to take affirmative steps if they want their workplaces to remain gun-free.

The new law may be [accessed here](#).

For more information, please contact the Barnes & Thornburg Labor and Employment attorney with whom you work, or a leader of the firm’s Labor and Employment Department in the following offices:

Kenneth J. Yerkes, Chair (317) 231-7513; John T.L. Koenig, Atlanta (404) 264-4018; Norma W. Zeitler, Chicago (312) 214-8312; William A. Nolan, Columbus (614) 628-1401; Eric H.J. Stahlhut, Elkhart (574) 296-2524; Mark S. Kittaka, Fort Wayne (260) 425-4616; Michael A. Snapper, Grand Rapids (616) 742-3947; Peter A. Morse, Indianapolis (317) 231-7794; Scott J. Witlin, Los Angeles (310) 284-3777; Tina Syring Petrocchi, Minneapolis (612) 367-8705; Janilyn Brouwer Daub, South Bend (574) 237-1139; Teresa L. Jakubowski, Washington, D.C. (202) 371-6366.

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Mark S. Kittaka

Partner

Fort Wayne, Columbus

P 260-425-4616

F 260-424-8316

mark.kittaka@btlaw.com



Michael A. Snapper

Of Counsel (Retired)

P 616-742-3947

mike.snapper@btlaw.com



Peter A. Morse, Jr.

Partner

Indianapolis, Washington, D.C.

P 317-231-7794

F 317-231-7433

pete.morse@btlaw.com



Scott J. Witlin

Partner

Los Angeles

P 310-284-3777

F 310-284-3894

scott.witlin@btlaw.com



Janilyn Brouwer Daub

Partner

South Bend, Elkhart

P 574-237-1139

F 574-237-1125

janilyn.daub@btlaw.com



Teresa L. Jakubowski

Partner

Washington, D.C.

P 202-371-6366

F 202-289-1330

teresa.jakubowski@btlaw.com

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