



OFFICE OF THE STATE'S ATTORNEY
MADISON COUNTY, ILLINOIS

Thomas D. Gibbons
State's Attorney

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FOR IMMEDIATE RELEASE
June 6, 2013

PRESS RELEASE

Edwardsville—State's Attorney Tom Gibbons has issued an opinion to law enforcement and the public opening the door for citizens to **immediately** begin carrying concealed firearms on their person or in their vehicle while in Madison County, provided they meet certain conditions.

Illinois legislators recently passed a bill creating Concealed Carry following the decision by the U.S. Court of Appeals for the 7th Circuit that declared parts of the Illinois Unlawful Use of Weapons statute unconstitutional. The Court gave the General Assembly 180 days to create concealed-carry legislation, and the bill is currently awaiting action by the Governor. In anticipation of the law, State's Attorney Gibbons reviewed the charging policy of the State's Attorney's Office as well as all applicable laws and court decisions and released guidelines for citizens and law enforcement officers to follow in dealing with the carrying of concealed firearms. "It serves no just purpose to continue to deny responsible, law-abiding citizens their Constitutional right to bear arms. Continuing to criminally charge citizens for conduct that is constitutionally protected and for which charges would, ultimately, be dismissed, would be unconscionable and a terrible waste of judicial resources. Therefore, we will no longer deny responsible citizens this important right," said Gibbons. These guidelines, **if met in their entirety**, will allow citizens to immediately begin carrying a concealed, loaded firearm on their person or in their vehicle.

1. MUST be issued and possess a valid F.O.I.D. card or, **if not an Illinois resident**, a valid concealed carry permit from a state that performs a background check prior to issuance of the permit; AND
2. MUST be carrying the firearm for self-defense; AND
3. MUST NOT be prohibited from possession of a firearm under another statute or court order; AND
4. MUST keep the firearm concealed on their person or in their vehicle, not visible to the public; AND
5. MUST NOT be engaged in any criminal conduct; AND
6. MUST be in compliance with all other federal, state and local laws and ordinances; AND
7. MUST, when asked, inform law enforcement officers of the firearm when in contact with an officer in the course of their duties.

"I cannot overstate the importance of citizens exercising this important right in a responsible manner," Gibbons stated in the opinion. "It is essential that individuals cooperate with any police officer and inform them of the presence of the firearm prior to removing it from its concealed location. Displaying the firearm at a public location or without the request or knowledge of an officer could constitute a violation of the law."

Gibbons noted that this change in policy applies only to a narrow part of the Unlawful Use of Weapons statute and does not prevent the prosecution of individuals who illegally possess firearms or use them in the commission of a crime. He hopes that by being proactive in interpreting the law, Madison County residents will be better informed and able to exercise their rights and responsibilities under the Second Amendment. "I will continue to fight to protect citizens by ensuring proper enforcement of existing laws and by helping to change laws that interfere with our rights enshrined in the Constitution."

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**RULES FOR RESPONSIBLE AND
LAWFUL CARRYING OF CONCEALED FIREARMS**

Tom Gibbons, Madison County State's Attorney
UPDATED AS OF: MAY 28, 2013

**CITIZENS MAY CARRY A CONCEALED, LOADED FIREARM
ON THEIR PERSON OR IN A VEHICLE
IF ALL OF THE FOLLOWING CONDITIONS ARE MET:**

1. MUST be issued and possess a valid F.O.I.D. card or, if not an Illinois resident, a valid concealed carry permit from a state that performs a background check prior to issuance of the permit; AND
2. MUST be carrying the firearm for self-defense; AND
3. MUST NOT be prohibited from possession of a firearm under another statute or court order; AND
4. MUST keep the firearm concealed on their person or in their vehicle, and not visible to the public; AND
5. MUST NOT be engaged in any criminal conduct; AND
6. MUST be in compliance with all other federal, state and local laws and ordinances; AND
7. MUST, when asked, inform law enforcement officers of the firearm when in contact with an officer in the course of their duties. It is essential that individuals cooperate with any police officer and inform them of the presence of the firearm **prior to** removing it from its concealed location. Displaying the firearm at a public location or without the request or knowledge of an officer could constitute a violation of the law.

*** The foregoing rules apply **only** to conduct that was previously prohibited under 720 ILCS 5/24-1.6, sections (a)(1), (a)(3)(A) and (a)(3)(B) - Aggravated Unlawful Use of Weapons, and 720 ILCS 5/24-1 sections (a)(4) and (a)(10) - Unlawful Use of Weapons.



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To: All Citizens and Law Enforcement Officers of Madison County
From: Tom Gibbons, Madison County State's Attorney
Re: Right to Carry Concealed, Loaded Firearm on the Person or in a Vehicle
Date: May 28, 2013

As Chief Law Enforcement Officer for Madison County, Illinois, it is my duty and honor to protect our community and to ensure that the law is applied in a way that protects all citizens. With this in mind, I am issuing this opinion regarding a citizen's right to lawfully carry a concealed, loaded firearm, both on their person and in a vehicle. These guidelines are intended to inform citizens and law enforcement officers of the rules to be followed and applied in Madison County, Illinois.

After a thorough review of all applicable laws and court decisions, including the United States Court of Appeals for the Seventh Circuit ruling in Shepard and Moore v. Madigan, 702 F.3d 933 (2012), **it is my opinion that it is lawful for a citizen to carry a concealed, loaded firearm under the circumstances and conditions listed below.** This policy applies **only** to conduct that was previously prohibited by 720 ILCS 5/24-1.6, sections (a)(1), (a)(3)(A) and (a)(3)(B) - Aggravated Unlawful Use of Weapons, and 720 ILCS 5/24-1 sections (a)(4) and (a)(10) - Unlawful Use of Weapons.

CITIZENS MAY CARRY A CONCEALED, LOADED FIREARM ON THEIR PERSON OR IN A VEHICLE IF ALL OF THE FOLLOWING CONDITIONS ARE MET:

1. MUST be issued and possess a valid F.O.I.D. card or, if not an Illinois resident, a valid concealed carry permit from a state that performs a background check prior to issuance of the permit; AND
2. MUST be carrying the firearm for self-defense; AND
3. MUST NOT be prohibited from possession of a firearm under another statute or court order; AND
4. MUST keep the firearm concealed on their person or in their vehicle, not visible to the public; AND
5. MUST NOT be engaged in any criminal conduct; AND
6. MUST be in compliance with all other federal, state and local laws and ordinances; AND
7. MUST, when asked, inform law enforcement officers of the firearm when in contact with an officer in the course of their duties.

I cannot overstate the importance of citizens exercising this important right in a **responsible** manner. It is essential that individuals cooperate with any police officer and inform them of the presence of the firearm **prior to** removing it from its concealed location. Displaying the firearm at a public location or without the request or knowledge of an officer could constitute a violation of the law.

It is my hope that informing citizens of this important right under Illinois law will ensure that law-abiding citizens can responsibly and safely exercise their Second Amendment rights to the fullest extent currently allowable under Illinois law. I will continue to fight to protect citizens by ensuring proper enforcement of existing laws and by helping to change laws that interfere with our rights enshrined in the Constitution.