



OFFICE OF THE ATTORNEY GENERAL

STATE OF ILLINOIS

June 26, 2020

KWAME RAOUL
ATTORNEY GENERAL

Mr. Jonathan R. Fulkerson
Deputy Attorney General
Ohio Attorney General
30 East Broad Street, 17th Floor
Columbus, Ohio 43215

Dear Mr. Fulkerson:

I have your letter inquiring whether the State of Illinois may enter into reciprocity agreements with other states providing for the mutual recognition of concealed handgun licenses. Under section 4 of the Attorney General Act (15 ILCS 205/4 (West 2018)), the Illinois Attorney General is authorized to advise only Illinois State officers. I will, however, comment informally on the question you have raised.

In 2013, the Illinois General Assembly enacted the Firearm Concealed Carry Act (the Act) (430 ILCS 66/1 *et seq.* (West 2018)), this State's first law permitting the carrying of concealed firearms. Under subsection 40(e) of the Act (430 ILCS 66/40(e) (West 2018)), a non-resident who does not possess an Illinois concealed carry license, but who is licensed to carry a firearm in his or her state, may carry a concealed firearm in Illinois "*within his or her vehicle[,]*" if the non-resident satisfies the requirements set out therein. Absent this exception, non-residents who carry concealed firearms in Illinois, but who do not possess an Illinois concealed carry license,¹ could be subject to prosecution for unlawful use of weapons or aggravated unlawful use

¹Subsection 40(b) of the Act (430 ILCS 66/40(b) (West 2018)) provides that "[t]he Department [of State Police] shall by rule allow for non-resident license applications from any state * * * of the United States with laws related to firearm ownership, possession, and carrying, that are substantially similar to the requirements to obtain a license under this Act." Under the plain language of subsection 40(b) and its implementing rule, residents of states that have been determined to have firearm laws that are "substantially similar" to the Act may apply for non-resident licenses. 20 Ill. Adm. Code §1231.110(a), (c) (2020), added at 38 Ill. Reg. 2322, effective December 31, 2013; *see also Culp v. Raoul*, 921 F.3d 646 (7th Cir. 2019) (holding that the "substantially similar" requirement in subsection 40(b) of the Act does not violate the Second Amendment), *cert. denied*, No. 19-487 (U.S. Supreme Court, June 15, 2020).

Pursuant to its rules, the Department of State Police (the Department) is required to post on its website a list of all states determined to have laws regarding firearm ownership, possession, and carrying that are substantially similar to the Illinois Act. *See* 20 Ill. Adm. Code §§1231.10, 1231.110(b) (2020), added at 38 Ill. Reg. 2322, effective December 31, 2013. As of the date of this letter, the Department's website indicates that only six states—Arkansas, Idaho, Mississippi, Nevada, Texas, and Virginia—have laws related to firearm ownership, possession, and carrying that are substantially similar to the requirements to obtain licensure under the Act. *See* <https://www.ispsfb.com/Public/FAQ.aspx>. You may wish to contact the Department directly for any updates to the listing or with inquiries regarding its processes.

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of a weapon under sections 24-1 and 24-1.6 of the Criminal Code of 2012 (720 ILCS 5/24-1 (West 2018), as amended by Public Act 101-223, effective January 1, 2020; 720 ILCS 5/ 24-1.6 (West 2018)).

With regard to your specific question, current Illinois law does not authorize the State of Illinois to enter into reciprocal agreements with other states providing for mutual recognition of each state's license to carry a concealed firearm. Although legislation has been introduced to grant that authority to the Illinois Department of State Police on a number of occasions, to date, those attempts have been unsuccessful.²

This is not an official opinion of the Attorney General. If we may be of further assistance, please advise.

Very truly yours,



LYNN E. PATTON
Chief, Public Access and Opinions Division
and Administrative Counsel

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²During the 101st General Assembly, Senate Bill 3031 was introduced to amend the Act by adding a new section 42, which would have authorized the Department to enter into reciprocal agreements with states contiguous to Illinois:

The Illinois State Police [the Department] shall recognize a permit or license issued by a state whose requirements to obtain a permit or license are substantially similar to the training requirements in Section 75 of this Act and to non-residents of contiguous states where a reciprocal agreement has been entered into. *The Department shall enter into a reciprocal agreement with the contiguous state [sic] of Iowa, Missouri, Wisconsin, Indiana, or Kentucky, if that state recognizes Illinois concealed carry licenses.* (Emphasis added.) 101st Ill. Gen. Assem., Senate Bill 3031, 2020 Sess.

Bills with identical language were introduced in the previous two General Assemblies. 100th Ill. Gen. Assem., Senate Bill 1301, 2017 Sess.; 99th Ill. Gen. Assem., Senate Bill 3073, 2016 Sess. Neither of these bills passed before the General Assembly adjourned *sine die*.