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| **Political Discussion:** **Carry and Conceal** http://www.offthegridnews.com/wp-content/uploads/2013/08/concealed-carry-400x266.jpg**September 2016**http://www.ilga.gov/commission/jcar/images/admincode.gif**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT CHAPTER II: DEPARTMENT OF STATE POLICEPART 1231 FIREARM CONCEALED CARRY ACT PROCEDURES SECTION 1231.20 INSTRUCTOR APPROVAL** **Section 1231.20  Instructor Approval** a)         Applicants for Concealed Carry Firearm Instructor (Instructor) approval shall meet the requirements of Section 80 of the Act and shall maintain: 1)         A valid Firearm Owner's Identification (FOID) Card or, if an out-of-state resident, the applicant must meet all of the eligibility requirements to obtain a FOID Card other than Illinois residency (see 20 Ill. Adm. Code 1230); and 2)         After April 16, 2014, a valid FCCL, unless the applicant is not required to possess an FCCL to conceal and carry handguns in Illinois, or, if the applicant is an out-of-state resident not from a substantially similar state, that person shall provide proof to the Department upon request that he or she is not required to possess an FCCL to conceal and carry handguns in Illinois, or that he or she is eligible to carry under the laws of his or her state or territory of residence. b)         Application to be a Concealed Carry Firearms Instructor shall be made by first submitting a full set of fingerprints to the Department in an electronic format using a Live Scan Vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted. c)         Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the Licensed Live Scan Vendor or law enforcement agency registered by the Department, the applicant shall electronically complete and submit the Department's Concealed Carry Firearms Instructor Approval Application (Application), available on the Department's website at www.isp.state.il.us. d)         The Application must be complete and accurate. Incomplete Applications will not be accepted or processed. Upon receipt of an incomplete Application, the Department shall notify the instructor applicant and advise what information is missing. If an instructor applicant has not provided the missing information in response to the Department's notification within 60 days after notice from the Department, the Application shall be denied. e)         Applicants must have read the Act in its entirety and understand the rules and requirements of this Part.  f)         Applicants must meet all of the requirements of Section 30 of the Act. g)         Upon completing and submitting the Application electronically, the applicant must print the Application Verification Document, sign it, have it notarized, attach the required Valid Firearms Instructor Certifications, and submit the Certification documents to: Illinois State PoliceConcealed Carry Firearms Instructor ApprovalP.O. Box 19333Springfield IL 62724 (Source:  Amended at 38 Ill. Reg. 19282, effective September 12, 2014) |



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****Second Amendment

The New Illinois Concealed Carry Law

By

Caitlyn G. McEvoy

In a year's time, Illinois went from a complete ban on public carrying of firearms to a concealed carry law that's now being implemented. Here's a look at the steps an Illinois resident must take to get a concealed carry license and other aspects of this important new law.

On July 9, 2013, after much litigation and political wrangling, Illinois became the last state in the country to allow carrying firearms in public. Prior to the 2013 legislative session, legislators in both chambers from both parties had presented, but failed to pass, a concealed carry law - resulting in Illinois being the only state that completely banned the practice.

Last winter, the U.S. Court of Appeals for the Seventh Circuit struck down the Illinois law prohibiting concealed carry as unconstitutional under the Second Amendment. The court gave the legislature 180 days to craft a bill permitting individuals to carry firearms outside the home for self-defense.

The negotiations over concealed carry remained a focal point of the 2013 spring legislative session. Numerous versions of the bill were filed and debated. A law was eventually enacted after the General Assembly passed a bill on the final day of the regular spring session and overrode the Governor's amendatory veto during a special summer session. The Firearm Concealed Carry Act ("the Act") became effective on July 9, 2013, mere hours before the seventh circuit's deadline.[1](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

This article is an overview of the new statute and process by which Illinois residents can obtain concealed carry licenses. It also looks at issues that have arisen since the law was passed and at how the legislature may amend it.

**FOID card eligibility (and more) required**

To carry a concealed firearm in Illinois, a person must obtain a concealed carry license ("CCL") from the Department of State Police ("the Department").[2](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) The license permits the licensee to carry a concealed loaded or unloaded handgun on his or her person or within a vehicle.[3](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) A CCL is valid throughout the state for five years and may be renewed for additional five-year periods upon application.

The Department must make CCL applications available to the public by January 5, 2014.[4](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) Would-be license holders must submit an application with the required documentation and a $150 fee to the Department.

**Fingerprints.** An applicant is not required to submit fingerprints with the application; however, the Department has an additional 30 days to review an application that does not include fingerprints. The Department encourages applicants to submit fingerprints because the application will be easier to process, which translates to a quicker turnaround.

**A 'shall issue' state.** Illinois is now a "shall issue," not a "may issue" state. This means that the Department must issue a license to an applicant who meets the requirements. The issuing entity in a "may issue" state has wider discretion to decide whether to issue a license to an applicant. Within 90 days of receiving a completed application, proper documentation, and fee, the Department "shall issue" a license to any applicant who meets the statutory qualifications.[5](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

First and foremost, an applicant must have a currently valid Firearm Owners Identification ("FOID") card and meet the requirements for the issuance of a FOID card at the time of application.[6](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) A person who has a FOID card but should not (e.g., because he or she was convicted of one of the disqualifying offenses or has one of the disqualifying mental health issues) is ineligible for a CCL.

A person is not eligible for a FOID card, and thus not eligible for a CCL, if he or she: (1) is prohibited from possessing firearms or ammunition by any state or federal law; (2) has been convicted of a felony; (3) is addicted to narcotics; (4) has been a patient in a mental health facility in the past five years; (5) is intellectually disabled; (6) is admitted to the U.S. under a non-immigrant visa; (7) is an undocumented immigrant; (8) is subject to an order of protection prohibiting him or her from possessing a firearm; (9) has been convicted within the past five years of battery, assault, aggravated assault, or a violation of an order of protection in which a firearm was used or possessed; (10) has been convicted of domestic battery or aggravated domestic battery; (11) has been adjudicated a delinquent minor for an offense that would be a felony; (12) has been adjudicated as a mentally disabled person; (13) has been involuntarily admitted into a mental health facility; (14) is developmentally disabled; or (15) has a mental condition that poses a clear and present danger to the applicant, any other person, or persons of the community.[7](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

**Additional requirements.** In addition to meeting the FOID card requirements, a CCL applicant: (1) must be at least 21; (2) must not have been convicted of a misdemeanor involving the use or threat of physical force or violence or two or more DUI violations within five years of the application; (3) must not be the subject of a pending arrest warrant, prosecution, or proceeding for an offense or action that could lead to disqualification to own or possess a firearm; (4) must not have been in residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment within the five years prior to application; and (5) must have successfully completed the required firearms training.[8](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

If the Department issues a denial or fails to act on an application within 90 days of receipt, the applicant may appeal to the director of the Department for a hearing. All final decisions of the Department are subject to judicial review.

**Law enforcement objections to 'danger[ous]' applicants**

The Act requires the Department to maintain a database containing information about applicants and licensees available to all federal, state, and local law enforcement agencies, state's attorneys, the Attorney General, and authorized court personnel.[9](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) No later than 10 days after receiving a license application, the Department must input the applicant's information into the database.

Within 30 days of the Department entering the applicant's information, any federal, state, or local law enforcement agency may object based on a reasonable suspicion that the applicant is a danger to himself or herself or others, or a threat to public safety. Upon receiving an objection, the Department must submit it and all relevant information about the application to the Concealed Carry Licensing Review Board.

The Board has 30 days to review the information, and the 90-day deadline for the Department to issue an application is tolled during that time. If a majority of the Board determines by a preponderance of the evidence that the applicant poses a danger or is a threat to public safety, then the Board must affirm the objection and the Department must notify the applicant of a denial. Otherwise, the Board notifies the Department that the applicant is eligible for a license and the Department must issue the license accordingly. All final administrative decisions of the Board are subject to judicial review.[10](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

**Training: beware unapproved instructors**

In early September, the Department began approving firearms instructors and a searchable database of approved instructors is available on the Department's website.[11](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) Immediately after the bill became law, individuals and entities began to falsely advertise that their courses meet the CCL training requirements, and these false claims are being investigated. Applicants should not take courses with instructors who are not listed in the Department's database, because the Department will not recognize training completed with unapproved instructors.

To satisfy the training requirements, an applicant must complete 16 hours of training in an approved course or combination of courses.[12](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) The courses will cover: (1) firearm safety; (2) marksmanship basics; (3) care, cleaning, loading, and unloading of a concealable firearm; (4) state and federal laws relating to ownership, storage, carry, and transportation of a firearm; and (5) the lawful interaction with law enforcement while transporting or carrying a concealed firearm. The applicant must also pass a live fire exercise with a concealable firearm.

Applicants will not receive a certificate of training completion if they fail to follow the firearms instructor's orders, the instructor believes they handle a firearm in a dangerous manner, or they fail to hit the target with 70 percent of the rounds fired during testing.

The Department will recognize up to eight hours of training already completed if the course is approved by the Department and recognized by another state. The Department will grant eight hours of training as completed if the applicant is an active, retired, or honorably discharged member of the military. Individuals qualified as active law enforcement, certified by the Illinois Law Enforcement Training Standards Board, or issued a firearm control card by the Illinois Department of Financial and Professional Regulation are exempt from the training requirement.

**Schools, courts, and other prohibited places**

The legislature carved out a variety of sensitive places where concealed carry is prohibited. A licensee may not knowingly carry a concealed firearm into: (1) schools or child care facilities; (2) government buildings; (3) courts; (4) correctional facilities; (5) hospitals, mental health facilities, or nursing homes; (6) public transportation; (7) establishments where more than 50 percent of sales are from alcohol; (8) public gatherings or special events open to the public; (9) locations that have been issued special liquor licenses; (10) public playgrounds, parks, and athletic facilities; (10) Cook County Forest Preserve property; (11) colleges and universities; (12) gaming facilities; (13) public libraries; (15) airports; (16) amusement parks, zoos, and museums; (17) nuclear facilities; and (18) any area where firearms are prohibited under federal law.[13](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

**Clear and conspicuous signs.** The Act empowers owners of private real property to prohibit concealed firearms on the property under their control. Owners of the statutorily prohibited property and private owners who choose to prohibit must post signs "clearly and conspicuously" at the entrance of their property indicating that firearms are not allowed.[14](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) Private home owners are not required to post signs on their residences. The Department established a uniform sign design that is available for download on the Department's website.

**Parking areas a safe harbor.** The Act creates a "safe harbor" for licensees within their vehicles.[15](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) A licensee who is carrying a concealed firearm and wishes to enter a prohibited place may lock the firearm in a case locked within his or her vehicle, even if the parking area itself is considered a prohibited location. A licensee may also carry a concealed firearm around the vehicle to store it in or retrieve it from the trunk, but the firearm must be unloaded before the person exits the vehicle. This "safe harbor" extends to the parking areas of all prohibited places except nuclear facilities and places where federal law prohibits firearms.

A licensee who knowingly enters a prohibited location while carrying a concealed firearm is guilty of a Class B misdemeanor for a first violation and a Class A misdemeanor for a second or subsequent violation.[16](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) After a second violation, the Department may suspend an offender's license for up to six months and must permanently revoke the license if he or she has three or more convictions for carrying in a prohibited place.

**Different treatment for nonresidents**

A person who has not resided within Illinois for more than 30 days and resides in another state or territory is subject to slightly different requirements than Illinois residents.[17](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) The Department will compile a list of states that have laws related to firearm ownership, possession, and carrying that are substantially similar to the requirements in Illinois. If a non-resident from an approved state meets the resident qualifications and training requirements, he or she may apply for a non-resident license by submitting an application to the Department.

The law allows nonresidents without an Illinois CCL to transport a concealed handgun in their vehicles as long as they are not prohibited from owning or possessing firearms under federal law and are eligible to carry firearms in their home states. Nonlicensed nonresidents may not leave the vehicle with the concealed firearm and must lock it in the vehicle if they leave the vehicle unattended.

**Preempting local regulation**

Preempting local firearms restrictions and the extent of control retained by home rule units was a focal point of legislative negotiations. As a result, the state preempts most firearms regulation but does allow home rule units to enact more restrictive ordinances in limited areas.

The new law completely preempts local concealed carry laws and the regulation, licensing, possession, and registration of handguns and their ammunition as applied to concealed carry licensees and FOID card holders.[18](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) Any local entity's attempt to regulate these areas will be voided.

The Act also chips away at local control over firearms issues that are not directly related to concealed carry. The state now has exclusive authority to regulate transportation of any firearm or ammunition by FOID card holders. The state now has exclusive authority to regulate transporation of any firearm or ammunition by FOID card holders, even if they do not have a CCL.19 Thus, local entities can no longer regulate transportation of any firearm.

Also, the state has exclusive authority to regulate possession and ownership of assault weapons.[20](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) Local ordinances regulating assault weapons enacted before July 19, 2013 remain valid and may be amended in the future. But entities that did not pass ordinances before that date are preempted from regulating assault weapons.

So to what extent do local entities retain control? The new preemption does not mention taxation and, therefore, home rule units retain authority to tax firearms. They can also regulate: (1) individuals who do not possess a valid FOID card or CCL; (2) firearms other than handguns; and (3) matters related to the sale, purchase, and storage of all firearms.[21](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

For example, a city may maintain a database of those who have been convicted of firearms offenses. Also, a home rule unit can enact zoning ordinances affecting where a firearms dealer's business may be located.

Clearly, though, the state now has exclusive control over a majority of issues related to firearms and local units retain little room to exceed the state's restrictions.

**Mental health reporting requirements strengthened, clarified**

In addition to implementing a licensing scheme, the new law clarifies and strengthens the reporting requirements relating to individuals who have severe mental health problems. Ensuring that mental health issues are properly reported is essential to preventing someone who poses a public safety risk from obtaining a FOID Card - a requirement for possessing a firearm in Illinois[22](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) and a prerequisite to obtaining a CCL.

Even before the new law, mental health treatment providers were required to inform the Department of Human Services (who shares the information with the Department of State Police) when they determined that a factor was present that would disqualify someone from possessing a firearm. However, the guidelines were unclear and many mental health determinations went unreported.

The new law clarifies terms that were already in the reporting provisions.[23](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) It also requires professionals to report within 24 hours of making a mental health determination.

In addition, the law specifies and expands the types of professionals required to report. Physicians, clinical psychologists, and qualified examiners must report when they determine that someone poses a clear and present danger, is developmentally disabled, or may be otherwise disqualified from possessing a FOID Card.[24](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) A new provision requires school administrators and law enforcement officials to report someone who poses a clear and present danger[25](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) as evidenced by demonstrating "threatening physical or verbal behavior."[26](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

Mandated reporters can be held liable for willful or wanton misconduct in providing or failing to provide the required information. However, the law provides civil, criminal, and professional immunity to mandated reporters whose actions do not rise to the level of willful or wanton misconduct.[27](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

**Unfinished business**

The passage of the Firearm Concealed Carry Act has not ended the concealed carry debate in Illinois. Shortly after the bill became law, the plaintiffs in the original federal case unsuccessfully argued that the state continued to violate the Second Amendment because applicants must wait until January to apply for a license to lawfully carry.[28](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes)

In the meantime, on September 10, 2013, the Illinois Supreme Court adopted the seventh circuit's analysis that the Second Amendment protects the right to use and possess firearms outside of the home.[29](https://www.isba.org/ibj/2013/12/thenewillinoisconcealedcarrylaw#footnotes) Accordingly, the court overturned provisions of the aggravated unlawful use of a weapon statute that prohibit the possession and use of an operable firearm outside of the home. (See *Defense attorneys challenge gun-possession convictions after high court ruling* in November's LawPulse.)

The decision did not speak to the new concealed carry law. The result is that an unconstitutional statute has been superseded by a new law that allows concealed carry but will not be fully implemented until January of 2014. Questions will undoubtedly arise from gun owners, prosecutors, and judges during the interim period when those who are otherwise eligible to carry cannot obtain licenses because the process is not up and running.

Legislative action also continues. Gun control advocates have offered legislation to implement further restrictions, while gun rights activists hope to expand the list of the locations where licensees can carry firearms.

Despite the continuing debate, the Department must build a new system to make applications available by January of 2014. Immediately thereafter, it must process applications within the allotted time frames. The effects of the new law in Illinois remain to be seen, but continued discussions, litigation, and legislation over concealed carry are inevitable.

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Right-to-carry laws: Revisiting the link between guns and violent crime

Tags: [crime](http://journalistsresource.org/tag/crime), [guns](http://journalistsresource.org/tag/guns), [sex crimes](http://journalistsresource.org/tag/sex-crimes) | Last updated: April 1, 2015

The relationship between gun ownership and safety is a hotly debated one in the United States, yet it has also been the subject of extensive data-driven analysis. A 2014 meta-analysis in the Annals of Internal Medicine found that people who have access to firearms at home are twice as likely to die in gun-related homicides and more than three times as likely to commit suicide than those without such access. The study also found that men with access to a gun at home were nearly four times more likely than women to commit suicide with a gun, while women were three times more likely to die in a gun-related homicide.

In addition to the question of home firearms, considerable debate surrounds the impact of state laws allowing or prohibiting U.S. residents to carry weapons in public, either in the open or concealed. Firearms advocates often assert that such right-to-carry (RTC) laws have a major role in reducing crime. A 1997 working paper by John R. Lott Jr. and David B. Mustard of the University of Chicago provided support for this theory, but its findings were disputed by a 2003 study from Ian Ayres and John J. Donohue of Yale and Stanford, respectively. Their study was itself subject to a critical review, to which they replied.

A 2004 meeting by National Research Council — the preeminent research body in the United States, part of the National Academy of Sciences and chartered by Congress — examined the question, and an associated report from a research committee of experts, “Firearms and Violence: A Critical Review,” concluded that there was insufficient evidence to support claims about right-to-carry laws and crime:

[A]nswers to some of the most pressing questions cannot be addressed with existing data and research methods, however well designed. For example, despite a large body of research, the committee found no credible evidence that the passage of right-to-carry laws decreases or increases violent crime, and there is almost no empirical evidence that the more than 80 prevention programs focused on gun-related violence have had any effect on children’s behavior, knowledge, attitudes, or beliefs about firearms. The committee found that the data available on these questions are too weak to support unambiguous conclusions or strong policy statements.

A member of the committee, political scientist James Q. Wilson, then at Pepperdine, agreed with the report’s overall conclusions, but in a dissent wrote that the evidence “suggests that RTC laws do in fact help drive down the murder rate.” This dissent was challenged by the National Research Council, which stated that “the scientific evidence does not support” Wilson’s position.

A 2014 study for the National Bureau of Economic Research (NBER) by John J. Donohue, Abhay Aneja and Alexandria Zhang, “The Impact of Right-to-Carry Laws and the NRC Report: The Latest Lessons for the Empirical Evaluation of Law and Policy,” revisits these much-cited studies, seeking to gain better insight into the relationship between RTC laws and violent crime.

The researchers, based at Stanford and Johns Hopkins, expand on the original data by adding a decade of county-level observations, analyzing state panel data for the period 1979-2010. They also control for potentially confounding variables over the study period, including the level of police staffing, incarceration rates and the crack epidemic in the late 1980s and early 1990s — for example, Florida experienced enormous drops in murder during the 1990s that may have been completely unrelated to its passage of a right-to-carry law. Finally, while the original Lott-Mustard study used 36 “highly collinear” demographic variables, the new study uses six controls that the authors assert are more relevant to the question at hand.

The NBER study’s findings include:

•Right-to-carry laws were found to be associated with higher rates of murder, rape, aggravated assault, robbery, auto theft, burglary and larceny.

•In each of seven crime categories, at least one of the four estimates used by the authors suggests that RTC laws increase crime at the 0.10 level of significance, with murder, rape and larceny estimates reaching significance at the 0.05 level.

•Eleven of 28 estimates suggest that RTC laws increase aggravated assault 8%, and the authors note these results may actually be understated: “Our analysis of admittedly imperfect gun-aggravated assaults provides suggestive evidence that RTC laws may be associated with large increases in this crime, perhaps increasing such gun assaults by almost 33%.”

•Rising crime rates were observed prior to the passage of RTC laws, and these in turn would “likely lead to a bias in favor of finding a deterrent effect.” However, excluding early and late adopters as well as Georgia and Florida, both of which were outliers, rates of murder and other violent crimes continued to rise strongly after the passage of RTC laws.

RTC laws and murder rates (nber.org)



•The 36 demographic variables used in the 1997 working paper were “the most important driver of the ostensible decline in crime from RTC laws.” The new research, quoting the 2003 Ayres and Donohue study, confirms that “the results are incredibly sensitive to the inclusion of various seemingly unimportant demographic controls,” even with the addition of 10 more years of data. Only by using six relevant controls rather than the 36 original variables were the impacts of RTC laws on violence fully evident.

•The report corrects several standard errors in the Lott-Mustard and National Research Council data that produced the results that laid the groundwork for Wilson’s dissent. “With correct standard errors, none of the estimates that Wilson thought established a benign effect of RTC laws on murder would have been statistically significant. Thus, getting the standard errors right might have kept Wilson from writing his misguided dissent to the benefit of Wilson, the [National Research Council] majority and the public.”

In addition to the findings related to the relationship between RTC laws and violent crime, the authors note that there are several lessons here for researchers: One is how easy it is for data errors to slip into empirical studies, and that the peer-review process is not well-equipped to detect such errors. In addition, “best practices” in econometrics are not fixed, but constantly evolving: “Researchers and policymakers should keep an open mind about controversial policy topics in light of new and better empirical evidence or methodologies.”

Related research

An April 2015 study in Behavioral Sciences and the Law, “Guns, Impulsive Angry Behavior and Mental Disorders: Results from the National Comorbidity Survey Replication,” examines the likelihood that adults with self-reported anger-management or mental-health issues to possess or carry guns. The study, authored by researchers at Harvard, Columbia and Duke universities, “found that a large number of individuals in the United States self-report patterns of impulsive angry behavior and also possess firearms at home (8.9%) or carry guns outside the home (1.5%). These data document associations of numerous common mental disorders and combinations of angry behavior with gun access. Because only a small proportion of persons with this risky combination have ever been involuntarily hospitalized for a mental health problem, most will not be subject to existing mental health-related legal restrictions on firearms resulting from a history of involuntary commitment.”

Also of interest is a 2012 meta-analysis by researchers from Arizona State and the University of Cincinnati, “The Effectiveness of Policies and Programs That Attempt to Reduce Firearm Violence,” examined 29 rigorous studies on laws and programs to reduce gun violence. It found that probation strategies — increased contact with police, probation officers and social workers — were the most effective, while “prosecutorial strategies” — harsher sentences and restricted bail opportunities — showed the least promise.

Keywords: crime, law, guns, sex crimes, mental health

Writers: Martin Maximino and Leighton Walter Kille | April 1, 2015



(Wikimedia)

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A 2004 [meeting](http://www.nap.edu/webcast/webcast_detail.php?webcast_id=296) by National Research Council — the preeminent research body in the United States, part of the National Academy of Sciences and chartered by Congress — examined the question, and an associated report from a research committee of experts, [“Firearms and Violence: A Critical Review,”](http://www.nap.edu/catalog/10881/firearms-and-violence-a-critical-review) concluded that there was insufficient evidence to support claims about right-to-carry laws and crime:

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Concealed carry shootings now part of Chicago's gun reality



John Hendricks

Terrence Antonio James / Chicago Tribune

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[**Geoff Ziezulewicz**](http://www.chicagotribune.com/chi-geoff-ziezulewicz-staff.html#nt=byline)**Contact Reporter**Chicago Tribune

Chicago man with concealed carry permit who shot gunman in Logan Square reflects on the experience.

John Hendricks recalls a split second between impulse and action before he took aim and shot Everardo Custodio just before midnight on April 17 after Custodio opened fire on a group in Logan Square.

Hendricks was not charged for shooting the 23-year-old because he had a concealed carry gun license and was determined to have acted in self-defense. But he said he was questioned for hours by detectives after the shooting and, seven months later, hasn't gotten his Springfield Armory .45 back from authorities.

Still, the 48-year-old South Sider said he doesn't begrudge police for the glacial movement.

"This is all new," Hendricks said, "because of the concealed carry

The 2013 passage of a concealed carry law in Illinois — the last state in the nation to approve one — has led to a relatively small yet recurring dynamic in Chicago shootings: the lawful gunman.

Those with a concealed carry license who used their weapons have rarely spoken out about their experience.

But in a Tribune exclusive, Hendricks recounted the chaotic minutes from the night he shot Custodio.

Hendricks — an Army veteran, Uber driver, scuba diver and amateur photographer — is among 136,920 Illinoisans who had concealed carry licenses as of Nov. 3, according to state police.

How many times these Illinoisans unholstered their guns and fired remains unclear, as state police say no mechanism exists to track such incidents.

To be sure, they're nowhere near as frequent as those involving unlicensed shooters and illegal firearms. But a handful of high-profile shootings involving licensed concealed carriers since the law went into effect in January 2014 highlight this latest evolution in Chicago's relationship with guns.

Reginald Gildersleeve was shot dead last month by a concealed carry gun holder after Gildersleeve tried to rob a Gage Park corner store, police said.



[Cops: Charges not expected against licensed gun holder who killed suspected robber](http://www.chicagotribune.com/news/local/breaking/ct-chicago-concealed-carry-20151101-story.html)

[Dawn Rhodes and Rosemary Regina Sobol](http://www.chicagotribune.com/news/local/breaking/ct-chicago-concealed-carry-20151101-story.html)

[Police say charges are unlikely against a licensed concealed-carry gun owner who shot and killed a robbery suspect after he threatened a worker with what turned out to be a paint gun in Gage Park on the Southwest Side over the weekend."The Chicago Police Department is wrapping up its investigation...](http://www.chicagotribune.com/news/local/breaking/ct-chicago-concealed-carry-20151101-story.html)

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[(Dawn Rhodes and Rosemary Regina Sobol)](http://www.chicagotribune.com/news/local/breaking/ct-chicago-concealed-carry-20151101-story.html)

A service member shot and wounded a gunman who opened fire on a group of people at a West Pullman party in July 2014.

Later that month, a man attempted to help police foil an armed robbery at a south suburban Crestwood phone store by firing at the fleeing suspect. A police officer had to duck for cover when the unidentified license holder fired at the suspect.

None of those shooters was charged. Illinois law says firearms can be used in cases of imminent danger and in defense of self and others.

While political rhetoric continues to swirl around the issue, Hendricks said he sees his concealed carry license as a right, and a way to stay safe.

"Living in Chicago, it used to be, 'don't go out at night,' or 'be more careful at night,'" he said. "It's turned into a place where it doesn't matter if it's day or night."

**'Something was needed'**

On the night Hendricks unholstered his gun, he was taking a break between Uber fares and was parked in the 2900 block of North Milwaukee Avenue, just north of Central Park Avenue, according to his account and court records.

He heard Custodio yelling to a group on Hendricks' side of the street and initially thought the man was shouting in a friendly, Friday-night fashion to his friends.

"But when I saw him rack the gun, I put two and two together," Hendricks said. "Something's about to go down right now, right in front of me."

Custodio started firing. Hendricks can't recall exactly how close he was.

"Close enough to hear the sound of that gun, feel in danger and actually see him pulling the trigger," Hendricks recalled. "Close enough."



Everardo Custodio

Illinois Department of Corrections

Everardo Custodio, above, was shot by concealed carry license holder John Hendricks after he fired at a group of people in Logan Square in April. He survived and has been sentenced to prison on weapons charges.

Everardo Custodio, above, was shot by concealed carry license holder John Hendricks after he fired at a group of people in Logan Square in April. He survived and has been sentenced to prison on weapons charges.

(Illinois Department of Corrections)

He thought about speeding away.

"I would've been driving right through gunfire," Hendricks said. "As you're thinking, time's ticking. Things are escalating. Things are getting worse. So at one point, you've got to make the best decision."

He fired what police reports estimated to be about six shots at Custodio, striking the illegal gunman in the shin, thigh and stomach, according to court records.

Custodio collapsed, his targets scattered and Hendricks sped to safety before calling 911. He later found a bullet hole near the lug nut of his rear driver's-side tire.

Police responded to the scene after hearing the gunfire and found Custodio lying on the sidewalk with multiple gunshot wounds, surrounded by shell casings, according to a police report.

A "blue steel firearm" was recovered by evidence technicians about 15 feet from where Custodio was taken into custody, according to court records.

He pleaded guilty in August to charges of aggravated discharge of a firearm and aggravated unlawful use of a weapon, receiving concurrent sentences of four years and three years, respectively, according to Cook County state's attorney's office spokeswoman Sally Daly.

Hendricks returned to the scene when police arrived and held his arms in the air, concealed carry and firearm owner identification cards in hand.

He said it was a common-sense approach after what had transpired.

"A shooting just happened," Hendricks said. "I'm the one that called, and I'm the shooter."

"At the time, I remembered I still had my firearm on me," he recalled. "I let them know that my firearm's on my right side."

Police disarmed and questioned Hendricks at the scene before more questioning at a police station that stretched through the night.

He said he was treated well but wished detectives had let him order a pizza.

"You had just went through something that was tremendous, and something new, so there's a moment that you know there's going to be a long process," Hendricks said.



[Uber driver, licensed to carry gun, shoots gunman in Logan Square](http://www.chicagotribune.com/news/local/breaking/ct-uber-driver-shoots-gunman-met-0420-20150419-story.html)

[Geoff Ziezulewicz](http://www.chicagotribune.com/news/local/breaking/ct-uber-driver-shoots-gunman-met-0420-20150419-story.html)

[Authorities say no charges will be filed against an Uber driver who shot and wounded a gunman who opened fire on a crowd of people in Logan Square over the weekend.](http://www.chicagotribune.com/news/local/breaking/ct-uber-driver-shoots-gunman-met-0420-20150419-story.html)

[The driver had a concealed-carry permit and acted in the defense of himself and others, Assistant State's Attorney Barry Quinn said...](http://www.chicagotribune.com/news/local/breaking/ct-uber-driver-shoots-gunman-met-0420-20150419-story.html)

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Police have yet to return his firearm and are not returning his calls, he said.

Police spokesman Anthony Guglielmi said an investigation into the gun was ongoing and that he did not know when it would be complete.

He declined to comment on the specifics but said such investigations can include ballistic testing, trace comparison and other means of finding out if a firearm was involved in other incidents.

Police representatives said this week that a Tribune open records request filed Oct. 27 for the entire case record was still pending.

At the time of the shooting, Uber policy mandated that its contractors abide by local laws. Uber later banned gun possession by passengers and drivers, according to company representatives.

Hendricks said he remains an eligible driver but hasn't done work for Uber in a few months.

He doesn't consider himself a hero, just someone who was able to stop a threat to his safety. He said he never spoke to Custodio's targets after the shooting.

"There was a threat to me and I helped somebody in the process as well," Hendricks said. "It's a positive feeling."

But Hendricks said first and foremost, he had wanted to get away from Custodio's gunfire.

"The last resort is to stop a threat or end a threat," he said. "When people say things happen fast — it does. You either rely on your training or you rely on your instinct. Everything becomes more reliable. Your training, your instincts, your gut. Everything."

**'Too much ill intent'**

Charles Houston said his friendship with Hendricks is the type in which they don't speak for long periods, but then pick up right where they left off.

The 53-year-old information technology specialist met Hendricks when they both lived in South Chicago, and Hendricks asked Houston to teach him martial arts.

Houston said he was "pretty shocked" when Hendricks told him about the shooting.

"I understand the stress it put him under," Houston said. "He was pretty shook up by the whole thing."

Houston said the incident falls in line with his friend's character: Hendricks, he said, is protective of himself and others.

While he doesn't question his friend's reaction to the shooter, Houston said he is generally against concealed carry in Illinois.

"We're not on the same page with that," he said.

Houston said he's fine with gun carriers in some areas but that it doesn't work everywhere — certainly not in Chicago.

He recalled living just outside Phoenix for years. There, he said, gun carrying was common, and it wasn't problematic.

"The problem is everyone who has ill intent," he said. "And there is an overwhelming number in Chicago that do. ... Too many illegal guns and too much ill intent."

It's a perilous combination to have concealed carriers side by side with illegal gun toters, Houston said. Still, he's glad his friend had his gun that night. He has tried to be there for Hendricks since it happened.

"I don't think that's something you can easily forget," Houston said. "I wish it hadn't happened at all."

**'You're never looking for trouble'**

Hendricks said he was formally trained to handle firearms while in the Army but that he also grew up around guns. He recalled his dad taking him to shoot while on family vacations in Arkansas, where he first learned to be safe and respectful around guns.

He said the 16 hours of training required to receive an Illinois concealed carry license are "very, very good."

"I'm a strong advocate of training," Hendricks said. "Training, training, training."

He said he owns "quite a few" guns and has several holsters and fanny packs for when he's out in public. During a recent interview, the gun on Hendricks' hip was not apparent until he pointed it out.

"You're not always conscious of carrying," he said, just like you aren't always conscious of carrying a wallet.

Hendricks said he's a stickler for the concealed carry rules — even when they aren't convenient. He has gotten used to turning back when he sees a "no gun" sign on a Chicago storefront.

Once, he said, he stopped short outside a University Village Quizno's. An employee out front was sweeping. Hendricks told the employee he had a gun on him and the employee said to go in anyway. But Hendricks said he wouldn't.

"It says 'law-abiding' for a reason," he said of the concealed carry law. "I'm going to abide."

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**Most Americans are wrong about whether concealed carry makes us safer**

By [Christopher Ingraham](http://www.washingtonpost.com/people/christopher-ingraham)

[Wonkblog](http://www.washingtonpost.com/news/wonk/)

October 23, 2015


Terry Eyler walks around looking at handguns as thousands of customers and hundreds of dealers sell, show, and buy guns and other items during The Nation's Gun Show at the Dulles Expo Center on Saturday, October 03, 2015. (Jabin Botsford/The Washington Post)

A majority of Americans -- 56 percent -- say that America would be safer if more people carried concealed firearms, according to a [just-released Gallup poll](http://www.gallup.com/poll/186263/majority-say-concealed-weapons-safer.aspx?g_source=Politics&g_medium=newsfeed&g_campaign=tiles).

"Suppose more Americans were allowed to carry concealed weapons if they passed a criminal background check and training course," the question went. "If more Americans carried concealed weapons, would the United States be safer or less safe?"

That 56 percent said "safer" represents something of a surprising shift away from the ambivalence toward concealed carry that previous surveys have shown. Ten years ago, for instance, [Gallup found](http://www.gallup.com/poll/16822/public-wary-about-broad-concealed-firearm-privileges.aspx) that only 27 percent of Americans said "any private citizen" should be able to carry a concealed weapon. And nearly two-thirds said they would feel less safe in a public place where they knew concealed weapons were allowed.

More recently, a 2012 Christian Science Monitor survey found that only 49 percent of Americans said concealed carry should be allowed, with 46 percent opposing. And an overwhelming majority of 91 percent said that a special license should be required to carry a concealed gun.

That licensing bit is important, and it's one of the keys to understanding the new Gallup question. It supposes that a concealed carry permit is preceded by a criminal background check and a training course. But in recent years a growing number of states have adopted so-called "[constitutional carry](http://freebeacon.com/issues/maine-becomes-sixth-constitutional-carry-state/)" laws, which allow residents to carry firearms without any permit or instruction required.

[Kansas](http://www.kansascity.com/news/government-politics/article17232419.html) and [Maine](http://freebeacon.com/issues/maine-becomes-sixth-constitutional-carry-state/) passed constitutional carry laws this year, joining Alaska, Arizona, Vermont and Wyoming. Similar bills have been introduced recently in [Colorado](https://www.nraila.org/articles/20150218/colorado-permitless-carry-bill-passes-second-reading-in-the-senate), [Pennsylvania](http://lancasteronline.com/news/local/house-bill-seeks-to-make-pa-a-constitutional-carry-state/article_2d642606-c807-11e4-84bf-43ac9a859fa2.html), [Missouri](http://www.komu.com/news/missouri-republican-wants-to-eliminate-concealed-carry-law/), [Nevada](http://www.washingtontimes.com/news/2015/mar/11/bill-would-repeal-nevada-concealed-gun-permit-carr/), [Texas](http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB195), and [a handful of other states](https://www.washingtonpost.com/blogs/govbeat/wp/2015/03/02/these-states-are-poised-to-allow-people-to-carry-hidden-guns-around-without-a-permit/).

In short, more and more states are eliminating the permitting and training requirements that support for concealed carry is predicated on in the new Gallup poll.

[Independent researcher](http://crimeresearch.org/about-us/) and [gun rights advocate](http://www.foxnews.com/opinion/2015/10/05/why-hillary-clintons-gun-control-plan-is-all-wrong.html) John Lott introduced the notion of "more guns, less crime" to the national debate  in 1998 with [a highly influential book of the same name](http://press.uchicago.edu/ucp/books/book/chicago/M/bo6686900.html). Using county-level crime data, Lott [argued](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=10129) that "allowing citizens to carry concealed weapons deters violent crimes and it appears to produce no increase in accidental deaths."

But that was nearly 20 years ago, and gun policy research has [come away with far different conclusions since then.](http://www.thetrace.org/2015/10/lower-crime-rates-not-caused-by-concealed-carry/) Some criminologists now consider that early work to be "[completely discredited](http://www.washingtonpost.com/news/wonkblog/wp/2014/07/29/more-guns-less-crime-not-exactly/)," in the words of the director of the Johns Hopkins Center for Gun Policy and Research.

In more recent years, academics investigating the relationship between concealed carry laws and public safety have found:

* There are "no statistically discernible relationship between concealed carry policies and the public’s perceptions of the number of firearm carriers." Since the supposed deterrent effect of concealed carry laws "assumes that potential assailants are aware of the distribution of firearm carriers in the potential victim population... the data suggest easing concealed carry cannot deter crime" ([Fortunato, 2015](http://www.davidfortunato.com/ssq2015.pdf))
* "Right-to-carry laws are associated with substantially higher rates" of aggravated assault, robbery, rape and murder. ([Aneja, Donohue and Zhang, 2014](http://news.stanford.edu/news/2014/november/donohue-guns-study-111414.html%22%20%5Ct%20%22_blank))
* "No support to the hypothesis that shall-issue laws have beneficial effects in reducing murder rates" ([Grambsch, 2012](http://www.tandfonline.com/doi/abs/10.1198/000313008X362446%22%20%5Ct%20%22_blank))
* At the city level, there is "no evidence that [right-to-carry] laws reduce or increase rates of violent crime" ([Kovandzic, Marvell and Vieraitis, 2005](http://hsx.sagepub.com/content/9/4/292.abstract%22%20%5Ct%20%22_blank))
* "A 'shall issue' law that eliminates most restrictions on carrying a concealed weapon may be associated with increased firearm homicide rates" ([Rosengart et. al., 2005](https://www.ncjrs.gov/App/publications/abstract.aspx?ID=209565" \t "_blank))
* "No statistically significant association exists between changes in concealed weapon laws and state homicide rates" ([Hepburn, Miller, Azrael and Hemenway, 2004](http://www.ncbi.nlm.nih.gov/pubmed/15128143))
* "Changes in gun ownership are significantly positively related to changes in the homicide rate" ([Ludwig, 2002](http://www.kellogg.northwestern.edu/faculty/dranove/htm/dranove/coursepages/Mgmt%20469/guns.pdf))

All of this is in addition to a [host of studies that came out in the immediate aftermath](https://cdn1.sph.harvard.edu/wp-content/uploads/sites/1264/2013/01/bullet-ins_ccw_reissue.pdf) of Lott's original research, some seeming to corroborate it and others finding significant flaws in it.

Lott, for his part, still stands by his idea, although he has nuanced it a bit. [He's recently argued](http://poseidon01.ssrn.com/delivery.php?ID=037082122068090000074097078002111005123025053058021063112099082101084008024073082028096120057028116036040108027087005103004018039017049060086091114103083065124052052014006095075086093114104126005014083115067068075116116100065031086112114078113117&EXT=pdf) that studies critical of right-to-carry laws have failed to properly account for state-level differences in how difficult it is to acquire a handgun permit.

"Many who have empirically examined the impact of these laws assume that these laws are the same across states and over time," he writes. "The laws are not the same, however, because states differ widely as to how easily permits can be obtained... failing to take these differences into account results in inaccurate measurement of the laws’ impact on crime."

But as Evan DeFilippis and Devin Hughes [recently point out at The Trace](http://www.thetrace.org/2015/10/lower-crime-rates-not-caused-by-concealed-carry/), [even more recent research](http://www.hindawi.com/journals/jcrim/2015/803742/) from Texas A&M looked at the *number* of permits issued, not just the passage of various laws. Philips found "no significant effect of concealed handgun license increases on changes in crime rates... this research suggests that the rate at which CHLs are issued and crime rates are independent of one another—crime does not drive CHLs; CHLs do not drive crime."

In other words, whether a state issues a lot of concealed handgun permits or just a few, effects on crime are nil, according to this research.

At any rate, it's clear that "more guns, less crime" is at best a misleading simplification of the relationship between concealed carry and public safety, and at worst a "completely discredited" notion. But the persistence of the idea, seen most recently in Gallup's survey, is testament to gun rights advocates' success in selling it.

**Please click on the link below to read David Fortunato’s *Can Easing Concealed Carry Deter Crime?***

<http://www.davidfortunato.com/ssq2015.pdf>