



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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January 24, 2024

I - 24-001

CRIMINAL LAW AND PROCEDURE:
Retired Law Enforcement Officer
Concealed Carry in Schools

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The Honorable Tony McCombie
House Republican Leader
State Representative, 89th District
9317B IL Route 84
Savanna, Illinois 61074

Dear Leader McCombie:

We have your letter inquiring whether retired law enforcement officers qualified under the Illinois Retired Officer Concealed Carry (IROCC) program are permitted to carry a concealed firearm in a school building or on school grounds. For the reasons stated below, qualified retired law enforcement officers under the federal Law Enforcement Officers Safety Act of 2004 (LEOSA) (18 U.S.C. § 926C (2018)) who are also qualified under the IROCC program are not permitted to carry a concealed firearm in a school or on school grounds in Illinois.

BACKGROUND

We have not been provided with any information concerning the impetus for your request. Your letter only sets out the above question and states that LEOSA "exempts active and retired qualified law enforcement officers from state laws and local ordinances prohibiting the

carrying of concealed firearms." We therefore assume that you seek information regarding the general applicability of LEOSA to qualified retired law enforcement officers present in a school building or on school grounds.¹

LEOSA provides qualified active law enforcement officers (18 U.S.C. § 926B (2018)) and qualified retired law enforcement officers (18 U.S.C. § 926C (2018)) meeting specified requirements the right, notwithstanding any state or local law to the contrary, to carry a concealed firearm. Specifically, LEOSA provides, in pertinent part:

(a) Notwithstanding any other provision of the law of any State or any political subdivision thereof, an individual who is a qualified retired law enforcement officer and who is carrying the identification required by subsection (d) may carry a concealed firearm that has been shipped or transported in interstate or foreign commerce, subject to subsection (b).

(b) *This section shall not be construed to supersede or limit the laws of any State that—*

(1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or

(2) prohibit or restrict the possession of firearms on any State or local government property, installation, building, base, or park. (Emphasis added.) 18 U.S.C. § 926C (2018).

¹We are aware that legislation was recently introduced to authorize schools to employ retired law enforcement officers to provide security services if they complete school safety officer training or receive a waiver from the Illinois Law Enforcement Training and Standards Board (103rd Ill. Gen. Assem., House Bill 4216, 2023 Sess.) or to employ qualified retired law enforcement officers to carry out school resource officer duties if they complete the school resource officer training or receive a waiver from the Illinois Law Enforcement Training and Standards Board (103rd Ill. Gen. Assem., House Bills 1466 and 1624, 2023 Sess.). This informal opinion does not specifically address whether a qualified retired law enforcement officer may provide security or school resource officer services in a school building or on school grounds.

Additionally, we note that the federal Gun-Free School Zones Act of 1990 (the Gun-Free School Zones Act) (18 U.S.C. § 922(q)(2) (2018)) generally prohibits the possession of a firearm within a school zone, which is defined to include the grounds of a public, parochial, or private elementary or secondary school and an area extending 1000 feet from the perimeter thereof (18 USC § 921(a)(26) (2022)). The LEOSA Reform Act, H.R. 354 and S. 1462, 118th Cong. (2023), has been introduced in the 118th Congress to, among other things, add a specific exception to the Gun-Free School Zones Act to expressly exclude "an individual authorized by section 926B or 926C [of LEOSA] to carry a concealed firearm." Similar legislation was introduced during prior sessions of Congress. See LEOSA Reform Act, H.R. 1210 and S. 1610, LEOSA Reform Act, 117th Cong. (2021); LEOSA Reform Act, H.R. 1156, 116th Cong. (2019); LEOSA Reform Act, H.R. 6105, 115th Cong. (2018).

To be eligible to carry a concealed firearm pursuant to LEOSA, an individual who is separated from service must be a "qualified retired law enforcement officer" (18 U.S.C. § 926C(a), (c) (2018))² and possess the requisite photo identification issued by the agency from which the individual separated from service as a law enforcement officer (18 U.S.C. § 926C(a), (d) (2018)).

Enacted to implement LEOSA in Illinois,³ Public Act 94-103, effective July 1, 2005, added section 10.4 to the Illinois Police Training Act (50 ILCS 705/10.4 (West 2022)) to authorize the Illinois Law Enforcement Training and Standards Board (the Board) to "initiate, administer, and conduct annual firearm certification courses" for retired law enforcement officers qualified under federal law to carry a concealed firearm.⁴ Additionally, Public Act 94-103 granted the Board express authority to adopt rules as necessary to carry out the provisions of that Act, including rules relating to the annual certification of retired law enforcement officers qualified under federal law to carry a concealed firearm. 50 ILCS 705/10 (West 2022); *see also* 50 ILCS 710/3 (West 2022); 50 ILCS 720/3 (West 2022).

The Board subsequently established the IROCC program and adopted administrative rules (20 Ill. Adm. Code 1720.Subpart C) addressing certification and the issuance of an annual permit for a qualified retired law enforcement officer to carry a concealed firearm. Specifically, an applicant must have been a certified law enforcement officer authorized to carry a firearm in the scope of his or her duties; possess photographic identification issued by a law enforcement department, officer, or agency from which the individual separated in good standing; authorize a background investigation to determine if the applicant has been convicted

²LEOSA defines the term "qualified retired law enforcement officer" as an individual who meets the following requirements: (i) separated from service in good standing from service with a public agency as a law enforcement officer; (ii) before separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest or apprehension under article 7(b) of the Uniform Code of Military Justice (10 U.S.C. § 807(b) (2018)); (iii) before separation, served as a law enforcement officer for an aggregate of 10 years or more or separated from service with such agency after completing any applicable probationary period due to a service-connected disability; (iv) during the most recent 12-month period, at his or her expense, met the standards for qualification in firearms training for active law enforcement officers; (v) not officially been found unqualified for reasons relating to mental health or not entered into an agreement with the agency acknowledging that he or she is not qualified under this section for reasons relating to mental health; (vi) is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and (vii) is not prohibited by federal law from receiving a firearm. 18 U.S.C. § 926C(c) (2018).

³*See* Remarks of Sen. Haine and Sen. Link, April 14, 2005, Senate Debate on Senate Bill No. 189, at 151-152.

⁴Public Act 94-103 also amended what is now the Peace Officer and Probation Officer Firearm Training Act (50 ILCS 710/0.01 *et seq.* (West 2022)), and the Intergovernmental Law Enforcement Officer's In-Service Training Act (50 ILCS 720/1 *et seq.* (West 2022)), to include "retired law enforcement officers qualified under federal law to carry a concealed weapon" in the coverage of the respective statutory training programs.

of any disqualifying criminal offenses;⁵ possess a valid Firearm Owner Identification (FOID) card; and be a resident of Illinois. 20 Ill. Adm. Code §§ 1720.240, 1720.250 (2023), last amended at 39 Ill. Reg. 2578, effective February 5, 2015. Approved applicants are provided with additional information regarding the availability of ranges and requirements for the firearm certification program. 20 Ill. Adm. Code § 1720.250 (2023), last amended at 39 Ill. Reg. 2578, effective February 5, 2015. If an applicant satisfies all requirements, the Board will then issue a permit certifying that the permittee is qualified to carry a concealed firearm under federal law and the IROCC program administrative rules. 20 Ill. Adm. Code § 1720.260 (2023), last amended at 39 Ill. Reg. 2578, effective February 5, 2015. Permits expire 12 months from the date of issuance and must be renewed annually. 20 Ill. Adm. Code § 1720.260 (2023), last amended at 39 Ill. Reg. 2578, effective February 5, 2015.

ANALYSIS

LEOSA grants qualified retired law enforcement officers meeting certain requirements the right, notwithstanding any state or local law to the contrary, to carry a concealed firearm, subject only to the exceptions set out in subsection (b). 18 U.S.C. § 926C(a) (2018). Subsection (b), in turn, provides that LEOSA does not supersede or limit any state laws that: (1) permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property; or (2) prohibit or restrict the possession of firearms on any state or local government property.⁶ 18 U.S.C. § 926C(b) (2018). It is therefore necessary to determine whether any Illinois statutory provisions prohibit or restrict the possession of firearms on school property, or permit private schools to prohibit or restrict the possession of concealed firearms on their property.

Article 24 of the Criminal Code of 2012 (the Criminal Code) (720 ILCS 5/24-1 through 24-10 (West 2022)), among other things, addresses the possession and use of deadly weapons. Section 24-1 of the Criminal Code (720 ILCS 5/24-1 (West 2022)) sets out the offense of unlawful use of weapons and provides, in pertinent part:

⁵An applicant must authorize the Board, through the Illinois State Police, to conduct a complete search of criminal history records and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System and the files of the Illinois Department of Human Services relating to mental health and developmental disabilities, and to obtain records of any conviction or patient hospitalization or other medical information that would disqualify the applicant from obtaining a permit or a FOID Card. 20 Ill. Adm. Code § 1720.245 (2023), added at 30 Ill. Reg. 7925, effective April 11, 2006.

⁶Neither LEOSA (18 U.S.C. §§ 926B, 926C (2018)) nor the general definitions provision in the firearms chapter of the United States Code (18 U.S.C. § 921 (2018)) define the phrase "state or local government property." Absent any indication to the contrary, public schools, which are primarily funded at the state and local levels and are public property, would fall under this category.

(a) A person commits the offense of unlawful use of weapons when he knowingly:

* * *

(4) *Carries or possesses* in any vehicle or *concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business*, or on the land or in the legal dwelling of another person as an invitee with that person's permission, *any pistol, revolver, stun gun or taser or other firearm*, except that this subsection (a)(4) does not apply to or affect transportation of weapons that meet one of the following conditions:

(i) are broken down in a non-functioning state; or

(ii) are not immediately accessible; or

(iii) are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or

(iv) are carried or possessed in accordance with the Firearm Concealed Carry Act by a person who has been issued a currently valid license under the Firearm Concealed Carry Act.

* * *

(c) *Violations in specific places.*

* * *

(1.5) *A person who violates subsection 24-1(a)(4) * * * in any school, regardless of the time of day or the time of year, * * * on the real property comprising any school, regardless of the time of day or the time of year, * * * or on any public way within 1,000 feet of the real property comprising any school * * * commits a Class 3 felony.*

* * *

(3) Paragraphs (1), (1.5), and (2) of this subsection (c) shall not apply to law enforcement officers or security officers of such school, college, or university or to students carrying or possessing firearms for use in training courses, parades, hunting, target shooting on school ranges, or otherwise with the consent of school authorities and which firearms are transported unloaded enclosed in a suitable case, box, or transportation package.

(4) For the purposes of this subsection (c), "school" means any public or private elementary or secondary school, community college, college, or university.⁷ (Emphasis added.)

Further, section 24-2 of the Criminal Code (720 ILCS 5/24-2 (West 2022), as amended by Public Act 103-154, effective June 30, 2023) sets out additional exceptions to the unlawful use of weapons offense set out in subsection 24-1(a)(4). Relevant to your inquiry, subsection 24-2(a-6) of the Criminal Code (720 ILCS 5/24-2(a-6) (West 2022), as amended by Public Act 103-154, effective June 30, 2023) provides:

(a-6) Subsections 24-1(a)(4) and 24-1(a)(10) do not apply to or affect a qualified current or retired law enforcement officer or a current or retired deputy, county correctional officer, or

⁷In *Moore v. Madigan*, 702 F.3d 933 (7th Cir. 2012), the Seventh Circuit Court of Appeals found subsection 24-1(a)(4) of the Criminal Code of 1961 (720 ILCS 5/24-1(a)(4) (West 2010)), the precursor to subsection 24-1(a)(4) of the Criminal Code of 2012, to be unconstitutional. The court stayed its order in *Moore* for 180 days to allow the Illinois General Assembly to craft a new gun law. In response, Public Act 98-063, effective July 9, 2013, enacted the Firearm Concealed Carry Act (430 ILCS 66/1 *et seq.* (West 2022)). Public Act 99-029, effective July 10, 2015, subsequently amended subsection 24-1(a)(4) of the Criminal Code to permit the carrying or possession of a firearm in accordance with the Firearm Concealed Carry Act. Subsequent to that amendment, certain portions of the pre-2015 version of subsection 24-1(a)(4) have been found unconstitutional. See *People v. Chairez*, 2018 IL 121417 (holding that the penalty enhancement provisions of subsections 24-1(a)(4) and 24-1(c)(1.5) as it relates to violations of subsection 24-1(a)(4) occurring within 1000 feet of a public park is unconstitutional); *People v. Green*, 2018 IL App (1st) 143874, ¶ 24 (holding that the penalty enhancement provisions of subsections 24-1(a)(4) and 24-1(c)(1.5) as it relates to violations of subsection 24-1(a)(4) occurring within 1000 feet of a school is unconstitutional); see also *People v. Webb*, 2019 IL 122951, ¶ 21 (holding that the portion of subsection 24-1(a)(4) prohibiting the carriage or possession of stun guns and tasers is unconstitutional); but see *People v. Bell*, 2018 IL App (1st) 153373, *appeal denied*, 108 N.E.3d 842 (2018) (declining to hold unconstitutional the penalty enhancement provisions of subsection 24-1(a)(10) and 24-1(c)(1.5) as it relates to a violation within a park); *People v. Cunningham*, 2019 IL App (1st) 160709, *appeal denied*, 132 N.E.3d 307 (2019) (declining to hold unconstitutional the penalty enhancement provisions of subsection 24-1(a)(4) and 24-1(c)(1.5) as it relates to a violation when visiting public housing). However, the courts have also determined that the unconstitutional portions of section 24-1 may be severed from the remaining provisions of the statute. *Chairez*, 2018 IL 121417, ¶ 62; *Green*, 2018 IL App (1st) 143874, ¶ 24. Accordingly, the remaining provisions of subsection 24-1(a)(4) are generally still in effect. See Ill. Att'y Gen. Inf. Op. No. I-19-011, issued October 4, 2019, at 1 n.1.

correctional officer of the Department of Corrections *qualified* under the laws of this State or *under the federal Law Enforcement Officers Safety Act*. (Emphasis added.)

The fundamental rule of statutory construction is to give effect to the intent of the General Assembly, the best indicator of which is the language of the statute. *Illinois State Treasurer v. Illinois Workers' Compensation Comm'n*, 2015 IL 117418, ¶ 21. The exceptions to the unlawful use of weapons statutes are to be strictly construed. *People v. Lofton*, 69 Ill. 2d 67, 71-72 (1977); *People v. Goss*, 146 Ill. App. 3d 723, 725 (1986). In determining legislative intent, statutes should be read as a whole and construed so that no word or paragraph is rendered meaningless or superfluous. *People v. Chenoweth*, 2015 IL 116898, ¶ 21. Furthermore, statutory language must be given effect without reading into the statute exceptions, limitations, or conditions the General Assembly did not express. *In re Kelan W.*, 2022 IL 128031, ¶ 15; *In re Jarquan B.*, 2017 IL 121483, ¶ 33.

The plain language of subsection 24-1(a)(4) of the Criminal Code (720 ILCS 5/24-1(a)(4) (West 2022)) provides that a person commits the offense of unlawful use of weapons if he or she carries or possesses a concealed firearm in *any* public space unless an applicable exception applies. While a violation of subsection 24-1(a)(4) is generally a Class A misdemeanor (720 ILCS 5/24-1(b) (West 2022)), a violation of subsection 24-1(a)(4) on private or public school property is a Class 3 felony (720 ILCS 5/24-1(c)(1.5) (West 2022)). By its own terms, subsection 24-1(a)(4) does not prohibit the concealed carry of a firearm in accordance with the Firearm Concealed Carry Act (430 ILCS 66/1 *et seq.* (West 2022)) by a person who has been issued a currently valid license under the Firearm Concealed Carry Act.⁸ Additionally, subsection 24-1(c)(1.5) provides for violations of subsection 24-1(a)(4) on school property. Finally, subsection 24-2(a-6) provides that subsection 24-1(a)(4) does not apply to or affect a "qualified current or retired law enforcement officer" qualified under LEOSA.

⁸Public Act 98-063, effective July 9, 2013, enacted the Firearm Concealed Carry Act. *See* note 7. Public Act 99-029, effective July 10, 2015, amended subsection 24-1(a)(4) of the Criminal Code to permit the carrying or possession of a firearm in accordance with the Firearm Concealed Carry Act. *See also* 720 ILCS 5/24-2(a-5) (West 2022), as amended by Public Act 103-154, effective June 30, 2023 (providing that subsections 24-1(a)(4) and 24-1(a)(10) do not apply to or affect any person carrying a concealed pistol, revolver, or handgun if the person has been issued a currently valid license under the Firearm Concealed Carry Act at the time of the commission of the offense).

Turning first to the Firearm Concealed Carry Act, for individuals who have been issued a currently valid license under the Firearm Concealed Carry Act,⁹ section 65 of the Firearm Concealed Carry Act (430 ILCS 66/65 (West 2022)) provides, in relevant part:

(a) A licensee under this Act shall not knowingly carry a firearm on or into:

(1) Any building, real property, and parking area under the control of a public or private elementary or secondary school.

* * *

(15) 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. (Emphasis added.)

The plain language of subsection 65(a)(1) of the Firearm Concealed Carry Act (430 ILCS 66/65(a)(1) (West 2022)) thus expressly prohibits individuals licensed to carry a firearm under the Firearm Concealed Carry Act from doing so on or into any building or real property or area under the control of a public or private elementary or secondary school. Subsection 65(a)(15) (430 ILCS 66/65(a)(15) (West 2022)) includes a similar prohibition at any building and real property under the control of a public or private community college, college, or university. However, the prohibitions set out in subsections 65(a)(1) and 65(a)(15) apply only to "[a]

⁹The Firearm Concealed Carry Act provides for the issuance of concealed carry licenses to individuals who meet the prescribed eligibility requirements. In order to obtain a concealed carry license under the Firearm Concealed Carry Act, an applicant must, among other things, possess a valid FOID card (430 ILCS 66/25(2) (West 2022)), pay a fee (430 ILCS 66/60(b) (West 2022)), provide proof of completing the requisite firearms training course (430 ILCS 66/25(6), 75 (West 2022)), pass an extensive background check (430 ILCS 66/35 (West 2022)), and meet other qualifications.

licensee under [the Firearm Concealed Carry] Act[.]"¹⁰ Because retired law enforcement officers qualified under the IROCC program are issued permits certifying that they are qualified to carry a concealed firearm under federal law and the IROCC program administrative rules (20 Ill. Adm. Code § 1720.260 (2023), last amended at 39 Ill. Reg. 2578, effective February 5, 2015), they are not required to obtain a concealed carry license under the Firearm Concealed Carry Act. Accordingly, the Firearm Concealed Carry Act provisions do not generally apply to qualified retired law enforcement officers who are qualified under the IROCC program.

Next, subsection 24-1(c)(1.5) of the Criminal Code provides that a person who violates subsection 24-1(a)(4) "in any school * * * [or] on the real property comprising any school * * * commits a Class 3 felony." Subsection 24-1(c)(3) of the Criminal Code (720 ILCS 5/24-1(c)(3) (West 2022)) sets out a limited exception which states that subsection 24-1(c)(1.5) does not apply, in pertinent part, to "*law enforcement officers or security officers of such school[.]*"¹¹ (Emphasis added.)

The exception set out in subsection 24-1(c)(3) makes no reference to "qualified retired law enforcement officers." To interpret the language excluding "law enforcement officers" from subsection 24-1(c)(1.5) as also excluding "qualified retired law enforcement officers" would require that we read limitations or exceptions into subsection 24-1(c)(3) that the General Assembly did not express. Furthermore, when the General Assembly uses certain words in one instance and different words in another, it intends different results. *People v. Bailey*, 2015 IL App (3d) 130287, ¶ 11, quoting *Aurora Pizza Hut, Inc. v. Hayter*, 79 Ill. App. 3d 1102, 1105-06 (1979). Therefore, the phrase "law enforcement officers" in subsection 24-1(c)(1.5) cannot be construed to include "qualified retired law enforcement officers."

¹⁰Additionally, we note that subsection 65(a-10) of the Firearm Concealed Carry Act (430 ILCS 66/65(a-10) (West 2022)) states:

The owner of private real property of any type may prohibit the carrying of concealed firearms on the property under his or her control. The owner must post a sign in accordance with subsection (d) of this Section indicating that firearms are prohibited on the property, unless the property is a private residence.

While the school property provisions of the Firearm Concealed Carry Act are prefaced by language limiting their application to licensees, the above provision is located in a separate section which contains no such language. This provision, therefore, may be applied to the public at large, including qualified retired law enforcement officers. As such, even if the Criminal Code provisions did not apply to prohibit a qualified retired law enforcement officer from carrying a firearm on school property, subsection 65(a-10) would enable the owners of private school property to prohibit qualified retired law enforcement officers from carrying concealed firearms, provided proper signage is posted.

¹¹The Criminal Code does not define the terms "law enforcement officer" or "security officer."

Lastly, subsection 24-1(a-6) of the Criminal Code provides that subsection 24-1(a)(4) does not apply to or affect a "qualified current or retired law enforcement officer" qualified under LEOSA. It may be argued that because subsection 24-1(c)(1.5) is defined as a violation of subsection 24-1(a)(4) in a school or on the real property of a school, the language of subsection 24-2(a-6) also exempts qualified retired law enforcement officers from subsection 24-1(c)(1.5). However, Illinois courts have held that each "specific location" provision set out in subsection 24-1(c)(1.5) is a separate offense from the general offense established by subsection 24-1(a)(4). *Chairez*, 2018 IL 121417, ¶ 18 (because subsection 24-1(c)(1.5) is separate from the sentencing provision set out in subsection 24-1(b), "we presume that the General Assembly intended that, if proven at trial, the specific locations enumerated in [sub]section 24-1(c)(1.5) are to be separate offenses that carry their own enhanced sentences different from the prescribed sentences in [sub]section 24-1(b)"); *Cunningham*, 2019 IL App (1st) 160709, ¶ 13 ("our supreme court [in *Chairez*] recently held that the 'specific places' provision of the UUW [unlawful use of a weapon] statute (section 24-1(c)(1.5)) creates separate offenses from the unconstitutional blanket prohibition on the possession of firearms outside the home for self-defense stated in section 24-1(a)(4)"); *Green*, 2018 IL App (1st) 143874, ¶ 14 (discussing *Chairez* and concluding that "the offense of 'UUW within 1000 feet of a school' is distinct from the offense of UUW, which the Seventh Circuit found unconstitutional in *Moore*").¹²

The General Assembly added subsection 24-2(a-6) subsequent to the issuance of the above decisions. See Public Act 101-080, effective July 12, 2019. It may be presumed that in adopting a statutory amendment, the General Assembly is aware of the judicial decisions concerning prior and existing law and legislation. *Kozak v. Retirement Board of the Firemen's Annuity & Benefit Fund*, 95 Ill. 2d 211, 218 (1983); *Fraser v. Universities Research Ass'n, Inc.*, 301 Ill. App. 3d 511, 518 (1998), *aff'd*, 188 Ill. 2d 444 (1999). Presumably, the General Assembly was aware of these judicial decisions when it added subsection 24-2(a-6) to the Criminal Code, yet made no reference to the specific offense set out subsection 24-1(c)(1.5). Additionally, a conclusion that subsection 24-2(a-6) operates to exclude "qualified retired law enforcement officers" from subsection 24-1(c)(1.5) would treat the language of subsection 24-1(c)(3) (providing that 24-1(c)(1.5) does not apply to "law enforcement officers or security

¹²See also note 7.

officers of such school") as superfluous.¹³ Accordingly, in the absence of a statutory amendment otherwise providing, a qualified retired law enforcement officer may not carry a concealed firearm in a school or on the real property of a school without potentially violating subsection 24-1(c)(1.5) of the Criminal Code.

CONCLUSION

For the foregoing reasons, qualified retired law enforcement officers qualified under the Law Enforcement Officers Safety Act of 2004 who are qualified under the Illinois Retired Officer Concealed Carry program are not permitted to carry a concealed firearm in a school or on property belonging to a school. In the absence of a statutory amendment otherwise providing, a qualified retired law enforcement officer under LEOSA who carries a concealed firearm in a school or on the real property of a school potentially violates subsection 24-1(c)(1.5) of the Criminal Code of 2012.

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

Very truly yours,



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¹³The language of subsection 24-1(c)(1.5) was added to the Criminal Code (*see* Public Acts 88-467, effective July 1, 1994; 88-680, effective January 1, 1995) nearly a decade before Congress first enacted LEOSA (*see* Pub. L. No. 108-277, July 22, 2004, 118 Stat. 166) and nearly a quarter century before the language of subsection 24-2(a-6) was enacted (*see* Public Act 101-080, effective July 12, 2019). Had the General Assembly sought to exempt qualified retired law enforcement officers, it could have done so expressly. Additionally, nothing in the text of Senate Bill 1139, which upon enactment became Public Act 101-080, nor the legislative debates suggest any intent to address the authority of qualified retired law enforcement officers to carry a concealed firearm in a school or on school property. Rather, according to its House sponsor, Senate Bill 1139 was added in order to, among other things:

codif[y] current law enforcement UYW exemption [and] [c]larif[y] that qualified current and retired law enforcement members are exempt from unlawful use of weapon restrictions under Federal Law and do not need a concealed carry license to carry. This is already done under Federal Law and has been a concern to law enforcement. Remarks of Rep. Bristow, May 27, 2019, House Debate on Senate Bill No. 1139, at 20; *see also* Remarks of Sen. Munoz, May 31, 2019, Senate Debate on Senate Bill No. 1139, at 86-87.