

**Unless specifically exempted by statute, any Illinois resident who acquires or possesses firearms or firearm ammunition within the state must have in their possession a currently valid Firearm Owner's Identification (FOID) card issued in his or her name.**

Answers provided to the following questions are meant only to give general guidance regarding transporting firearms and ammunition. The answers do not and are not meant to replace statutory language.

### How can I legally transport a firearm on my person or in my vehicle?

Three statutory codes regulate the possession, transfer, and transportation of firearms – the Criminal Code, the Wildlife Code, and the Firearm Owner's Identification Act.

Under Unlawful Use of Weapons (UUW) in the **Criminal Code**, persons who have been issued a valid FOID card may transport a firearm anywhere in their vehicle or on their person as long as the firearm is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container. Firearms that are not immediately accessible or are broken down in a non-functioning state may also be carried or transported under the Criminal Code. The **Wildlife Code**, however, is more restrictive. It requires that all firearms transported in or on any vehicle or conveyance be unloaded and in a case. Because of this, it is recommended that, in order to be in compliance with all statutes, all firearms be transported:

1. Unloaded, and
2. Enclosed in a case, and
3. By persons who have a valid FOID card.

Unless specifically exempted from UUW, a person commits a Class 4 Felony if he or she carries or possesses a firearm contrary to the aggravated UUW law of the Criminal Code (i.e.,



unlawfully carries on their person or illegally transports a firearm in a vehicle) AND one or more of the following aggravating factors apply:

1. The firearm possessed was uncased, loaded, and immediately accessible at the time of the offense;
2. The firearm possessed was uncased, unloaded, and the ammunition for the weapon was immediately accessible at the time of the offense;
3. Does not have a valid FOID card;
4. Was previously adjudicated of a Felony as a juvenile;
5. Was engaged in a Misdemeanor violation of the Cannabis Control Act or the Controlled Substances Act;
6. Is a member of a street gang;
7. Has had an Order of Protection against them in the last two years;
8. Was engaged in the commission or attempted commission of a Misdemeanor involving the use of violence against another person or the property of another; or
9. Is under 21 years of age and in possession of a handgun, unless the person is engaged in lawful recreational activities such as: practice shooting on targets upon established public or private target ranges, or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

### What constitutes a legal "case"?

The Criminal Code refers to "a case, firearm carrying box, shipping box, or other container." However, the Wildlife Code is more specific, defining case as "**a container specifically designed for the purpose of housing a gun or bow and arrow device which completely encloses such gun or bow and arrow device by being zipped, snapped, buckled, tied, or otherwise fastened, with no portion of the gun or bow and arrow device exposed.**"

### How do the differences in these two laws affect me for the purposes of the Unlawful Use of Weapons law?

It is recommended that persons transport their firearms only unloaded and in a case in order to be fully compliant with all statutes. A firearm transported in a container other than a case, while engaged in activities covered by the Wildlife Code, could subject

an individual to a charge of Class B Misdemeanor under the Wildlife Code, but would not be considered Unlawful Use of Weapons if the container were a "firearm carrying box, shipping box, or other container" as provided in the Criminal Code.

### If I fail to zip up the case entirely, will I be guilty of a felony?

No, as long as the firearm is unloaded, and none of the aggravating factors of the Unlawful Use of Weapons law are present. The way to avoid this situation is to make sure firearm cases are completely zipped or otherwise completely fastened shut.

### What is immediately accessible?

The test is if a reasonable person would conclude that the firearm is located within relatively quick reach.

### What is broken down in a non-functioning state?

The firearm is disassembled, making it inoperable, e.g., slide or barrel removed.

### Does a firearm have to be broken down to be legal?

No. However, it is recommended that to transport a firearm it be unloaded and encased, and possessed by the holder of a valid FOID card.

### How can I legally transport my firearm in my Sports Utility Vehicle (SUV), pickup truck, van, station wagon, or even a motorcycle?

The surest way is to have the firearm unloaded and enclosed in a case, and to make sure your FOID card is valid.

### How do I transport a firearm through an Illinois community with an ordinance that prohibits firearms or handguns?

Illinois' Unlawful Use of Weapons law does not preempt local ordinances from banning firearms. Persons carrying or transporting firearms through such communities could be subject to local firearm ordinances. Federal law does attempt to provide limited protection in these circumstances, but when