



**Illinois State Police**  
**Law Bulletin – August 2018**  
***Out of State Residents***  
***Concealed Carry within a Vehicle***

Pursuant to the Illinois Firearm Concealed Carry Act, 430 ILCS 66/1 et seq., certain persons may keep or carry a loaded or unloaded concealed firearm on or about their persons or within a vehicle. The provisions of this Act regarding carrying on or about a person apply only to licensees; however, the provisions regarding carrying within a vehicle have broader implications.

**Question:**

Can out of state residents carry a loaded and uncased firearm in their vehicle as they travel through Illinois?

**Response:**

*Within a vehicle* – Out of state residents can carry a concealed firearm in their vehicles as they travel through Illinois so long as they meet the provisions of §40(e) of the Act.

What is a “concealed firearm”?

430 ILCS 66/5 - "Concealed firearm" means a loaded or unloaded handgun carried on or about a person completely or mostly concealed from view of the public or on or about a person within a vehicle.

What is required by §40(e)?

- they must not be prohibited under federal law;
- they must be eligible to carry in their state of residence; and
- they must be in possession of the license or permit issued by their state, if applicable.

*Leaving the vehicle* – If the non-resident leaves his or her vehicle unattended, he or she shall store the firearm within a locked vehicle or locked container within the vehicle in accordance with §65(b) of the Act.

What is required by §65(b)?

The firearm (and any ammunition):

- must be stored out of plain view within the vehicle; and
- may be carried in the immediate area surrounding the vehicle only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk.

What is a “locked container”?

Locked container includes a glove compartment or console that completely encloses the concealed firearm or ammunition, the trunk of the vehicle, or a firearm carrying box, shipping box, or other container capable of locking and concealing the firearm.

**Future Guidance:**

- Out of state residents carrying a firearm within a vehicle consistent with the provisions of §40(e) are not subject to arrest solely on this basis.
- Each state addresses carrying a firearm differently. Please refer to the chart below regarding which states allow for concealed or open carry and which states require a license.

Constitutional Carry	Licensed Concealed Carry Unlicensed Open Carry	Licensed Concealed Carry Licensed Open Carry	Licensed Concealed Carry No Open Carry
Alaska	Alabama	Delaware	California
Arizona	Colorado	District of Columbia	Florida
Arkansa	Iowa	Georgia	Illinois
Idaho	Kentucky	Hawaii	New York
Kansas	Louisiana	Indiana	South Carolina
Maine	Michigan	Maryland	
Mississippi	Minnesota	Massachussets	
Missouri	Montana	New Jersey	
Vermont	Nebraska	North Dakota	
West Virginia	Nevada	Oklahoma	
Wyoming	New Hampshire	Rhode Island	
	New Mexico	Tennessee	
	North Carolina	Texas	
	Ohio		
	Oregon		
	Pennsylvania		
	South Dakota		
	Utah		
	Virgina		
	Washington		
	Wisconsin		

- States identified as constitutional carry (see column 1 above) allow for either concealed and/or open carry without a license.
- Residents of states, who allow unlicensed carry in any form (see column 1 and 2 above), are not required to produce a license or permit for purposes of §40(e).
- Residents of states, who only allow either concealed or open carry pursuant to a license (see columns 3 & 4 above), are required to produce a license or permit for purposes of §40(e).
- A loaded and uncased firearm may be carried in a vehicle into a parking lot that is contained within a prohibited premises – for example, a fairgrounds – pursuant to either §40(e) or an Illinois Concealed Carry License.

**If you have any questions regarding the Legal Guidance given herein, please contact the Illinois State Police Legal Office at (217) 782-7658.**