

transporting firearms in unfamiliar communities, it is a good idea to check with authorities on local law.

### If a non-resident is coming to Illinois to hunt and would like to bring their firearm, how do they legally transport it?

Non-residents must comply with the gun case law as described above. Additionally, the firearm must not be immediately accessible or must be broken down in a non-functioning state.

### What if I leave a firearm in my vehicle (regardless of location) and a family member, without a FOID card, is driving the vehicle without me and is stopped by police and the firearm is found?

The law states a person must “knowingly” violate the law. The assumption in the question is that the family member was unaware of a firearm’s presence. However, at a traffic stop, you should expect the officer to handle the situation at face value, take enforcement action accordingly, and let the court settle the matter. Depending on the situation, the charge could be a Class 4 Felony. Don’t put a family member in that position.



### How can I legally transport ammunition?

The location of ammunition being transported, including ammunition being transported in loaded magazines, is not regulated if the firearm is possessed or transported lawfully.

### Is it illegal to have ammunition in the case with the firearm?

No, if the firearm is unloaded and is properly enclosed in a case and the individual possessing the firearm and ammunition is in possession of a valid FOID card.

### Can I transport a firearm in a gun rack in the back window of my truck?

Yes, if the firearm is unloaded and encased, and you are a resident with a valid FOID card. One thing to consider – a gun displayed in a window can invite theft.

### Can I keep a firearm in my hotel room when I travel?

Yes, assuming no local ordinance applies. The critical question is how the firearm was carried into the room and transported in a vehicle. Those actions must be done lawfully.

### I have a friend/relative who has a “conceal and carry” permit issued in the state in which they reside. Is the permit recognized in Illinois?

No. Illinois does not recognize conceal and carry from any state.

### What constitutes “unloaded” for a muzzle loading firearm?

17 Ill. Admin. Code, Ch. 1, Sec. 660.30(b)(5) provides a definition for an unloaded muzzle loading firearm as follows:

**Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel unwound or removal of prime powder and match with match not lit, or removal of the battery from the CVA electronic ignition muzzleloader, shall constitute an unloaded muzzle loading firearm.**

#### For more information, contact:

Illinois State Police at 217/524-2525  
FOID Office at 217/782-7980  
<http://www.isp.state.il.us>

Illinois Department of Natural Resources  
217/782-6431  
<http://www.dnr.state.il.us>



State of Illinois  
Illinois Department of Natural Resources

## Transport Your Firearm Legally



## Commonly Asked Questions

On Transporting Firearms in Illinois



Illinois  
Department of  
Natural  
Resources

**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