

ILLEGAL GUN CARRYING: MOTIVES, CONSEQUENCES, AND ILLINOIS ARREST TRENDS



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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Abstract: Gun violence is a persistent and concerning issue across the country and the state of Illinois. In communities with high levels of gun violence, individuals may carry guns for protection. These individuals may never intend to, or actually, fire them; however, if arrested for possession, they may face a felony conviction. We summarized literature on why individuals illegally carry guns, how they obtain them, and the criminal legal ramifications they may face. In addition, we examined Illinois gun-related arrest data collected between 2012 and 2021. The findings revealed firearm possession arrests more than doubled during that period. In 2021, Black men in their 20s and arrested in Chicago with previous arrests on their records comprised the majority of the nearly 16,000 individuals arrested for a firearm-related offense. Community investment, diversionary criminal justice programming, and evidence-based, trauma-informed treatment may reduce crimes related to illegal gun carrying.

Introduction

About 24% of adults live in households with a firearm in Illinois.¹ Over 1,300 people died by guns in Illinois each year and of those, over half were homicides.² The rate of Illinois deaths by firearm is higher than the national rate. Chicago lost 791 victims to firearm-related homicide in 2021, the highest number of victims in 25 years.³ In addition, research indicates the COVID-19 pandemic may have contributed to social and economic stressors associated with increased gun procurement and heightened violence.⁴

Illegal gun carrying refers to the possession of a firearm by individuals without legal authorization to carry a firearm because of age, a prior felony conviction, or no license to carry a firearm.⁵ Communities suffering the most gun violence are often also systematically marginalized, with a historical lack of state and federal investment in community resources.⁶ Individuals living in communities with high violent crime rates may illegally carry guns for protection.⁷ However, they often face felony charges for doing so.⁸ Young Black men living in Chicago neighborhoods with the high rates of violent crime disproportionately experience the most illegal gun possession arrests and convictions.⁹

We examined the literature to offer some background on gun carrying laws and why and how individuals illegally carry guns. We also examined state arrest data related to illegal gun carrying. We attempted to answer the following research questions:

- What are the 10-year arrest trends of illegal gun carrying in Illinois?
- What are the characteristics, including criminal histories, of individuals arrested for illegal gun carrying-related offenses in Illinois?

Background

Factors that Contribute to Illegal Gun Carrying

Individuals may make a decision to *carry* a gun which is distinct from a decision to *use* a gun for violence. Although some individuals may carry guns to intimidate, coerce, or cause bodily harm, others do so for protection when in perceived dangerous situations and locations.¹⁰

Safety and Protection

Many individuals possess guns for a sense of protection and without any intention of using them.¹¹ Research has found many who illegally carry guns, particularly shooting and attempted shooting victims, do not intend to use the weapon. Rather, they carry it to pose as a threat for self-defense.¹² Individuals who fear being victimized may feel a need to protect themselves and their family by illegally carrying guns.¹³ Fear of victimization may be due to prior threats of or actual violent victimization, perceived high rates of community violence, and conflicts between rival gangs.¹⁴ However, guns do not increase safety. Those in homes where a firearm is present are at double the risk of becoming homicide victims and triple the risk of dying by suicide.¹⁵

Researchers surveyed young adults in Chicago neighborhoods experiencing high rates of gun violence and homicide on the city's West and South sides.¹⁶ One-third of survey respondents had

carried a gun and almost all had done so illegally to protect themselves, family, or friends. Of those who carried a gun, 72% reported being victimized and 37% had been shot or shot at in the previous year. Male respondents who were shooting and attempted shooting victims in the previous year were 300% more likely to carry a gun.

Alternative Economy

Individuals may illegally carry guns for protection as part of their participation in the underground or alternative economy, such as street drug sales, trade of stolen goods, or illegal sex work.¹⁷ Factors such as poverty, a prior criminal record, and limited employment may lead a person to participate in the alternative economy.¹⁸ A study of youth found those who engaged in alternative economy, such as drug dealing or robbery, felt carry a gun was needed to feel safe.¹⁹

Police Legitimacy

People of color in communities with high rates of violence may illegally possess guns due lack of safety in their communities and distrust of police to keep them safe.²⁰ A lack of police legitimacy may reduce community trust and confidence in the police and limit acceptance of police authority.²¹ This distrust can lead to reduced cooperation in preventing and investigating community crime,²² and may lead some individuals to want to protect themselves in lieu of the police.²³

Acquiring Illegal Guns

Research indicates levels of gun accessibility through illegal channels varies. In a national study, 90% of respondents serving prison time for a gun crime reported illegally obtaining a gun through non-retail sources.²⁴ Similarly, in two Illinois studies of individuals serving prison time for gun crime, respondents reported the ability to obtain a firearm within hours through informal channels, such as street dealers, family, or friends, or by stealing a gun.²⁵ These personal connections kept gun prices considerably low (\$100-\$500) and individuals described the guns as “new” or “like new.” Additionally, as purchasing ammunition requires a Firearm Owner’s Identification (FOID) card in Illinois, individuals also acquired ammunition through personal channels.²⁶ The timespan between when individuals obtained a gun and when they were arrested for a gun offense was found to be rather short; as many individuals reported they were arrested a month after acquiring a gun. Self-reported gang membership was not found to increase gun accessibility.²⁷

Gun Carrying Laws

Federal Laws

Federal gun laws established the basic criteria that prohibit certain individuals from obtaining guns legally through the background check process, including felonies, domestic violence convictions, and serious mental health conditions.²⁸ In 2012, the FBI began mandating background check records from states to identify individuals who are prohibited from acquiring

guns under state and federal laws. These federally mandated background checks conducted by licensed firearms dealers can block firearm sales under federal or state laws.²⁹

Legal Gun Carrying in Illinois

Illinois requires individuals to acquire a FOID card from the Illinois State Police prior to obtaining a gun or ammunition.³⁰ Residents of Illinois can apply for a FOID card online or by mail. In addition, Illinois law authorizes Concealed Carry Licenses (CCL) allowing individuals to carry their guns in a manner that hides the gun’s presence from others while in certain public places.³¹ A person applying for a CCL must have a valid FOID card and take a 16-hour concealed carry class.

Methodology

We reviewed Illinois laws regarding firearm and weapon offenses and selected offenses based on the relationship to illegal gun carrying and illegal gun use. Based on detail on the offenses in the statutes, we coded the offenses as “possession,” “discharge,” or “violent.” After independent statute review by two researchers, we came to a consensus on the categorization of offenses based on state statutes (Table 1). Such coding practice is recommended for intercoder reliability.³²

Table 1

Illinois Criminal Statutes Related to Illegal Gun Carrying and Use Included in Analyses

Offense	Statute number	Offense category(ies)
Aggravated kidnapping/discharge with firearm	720 ILCS 5.0/10	Violent, discharge
Criminal sexual assault (with a firearm)	720 ILCS 5.0/10	Violent, discharge
Aggravated criminal sexual assault, aggravated assault, aggravated battery, home invasion with a firearm	720 ILCS 5.0/12	Violent, discharge
Possession stolen firearm	720 ILCS 5.0/16	Possession
Armed robbery, aggravated vehicle hijacking with a firearm	720 ILCS 5.0/18	Violent, discharge
Home invasion with firearm	720 ILCS 5.0/19	Violent, discharge
Unlawful use of weapons	720 ILCS 5.0/24	
Unlawful possession of firearms	720 ILCS 5.0/24-3	Possession, discharge
Illegal possession weapon by felon, unlawful use of weapon	720 ILCS 5.0/24-1	Possession, discharge
Board aircraft/plane with weapon	720 ILCS 5.0/29, 720 ILCS 545.0/1	Possession
Firearm Owners Identification Card (FOID) Act	430 ILCS 65.0	Other
Firearm Concealed Carry Act	430 ILCS 66.0	Other

Note. Statutes of general offense categories provided. Firearm Owners Identification Card Act and Firearm Concealed Carry Act violations were coded as “other.”

Arrest data based on those statutes were pulled from the Illinois State Police Criminal History Record Information (CHRI) System. The CHRI System contains information required by statute to be submitted on each arrested person by arresting agencies, state's attorney's offices, circuit courts, and state and county correctional institutions for the purpose of creating a cumulative history (rap sheet) of events. ICJIA has access to most information in the CHRI System through ISP's off-line, ad hoc database for research purposes.

Data included arrest charges entered from 2012-2022 with detail on the arrested individual's gender, race, and age and location of the arresting agency. Also included as data on the individuals' prior arrests and convictions. The data was pulled from the system on May 4, 2022. The data included a total of 111,755 arrests charges for firearm-related offenses in Illinois entered from 2012-2021. The 2021 sample size was 15,588 firearm-related arrest charges.

Study Limitations

One limitation of our analysis was that only a single data source, arrest data, was available. Arrest data often reflect policing decisions and crime reporting versus actual criminal activity, as crime may go unreported. Furthermore, the data lacks case and investigation details that provide motivation for illegal gun carrying. Sentencing data on illegal gun carrying also was unavailable.

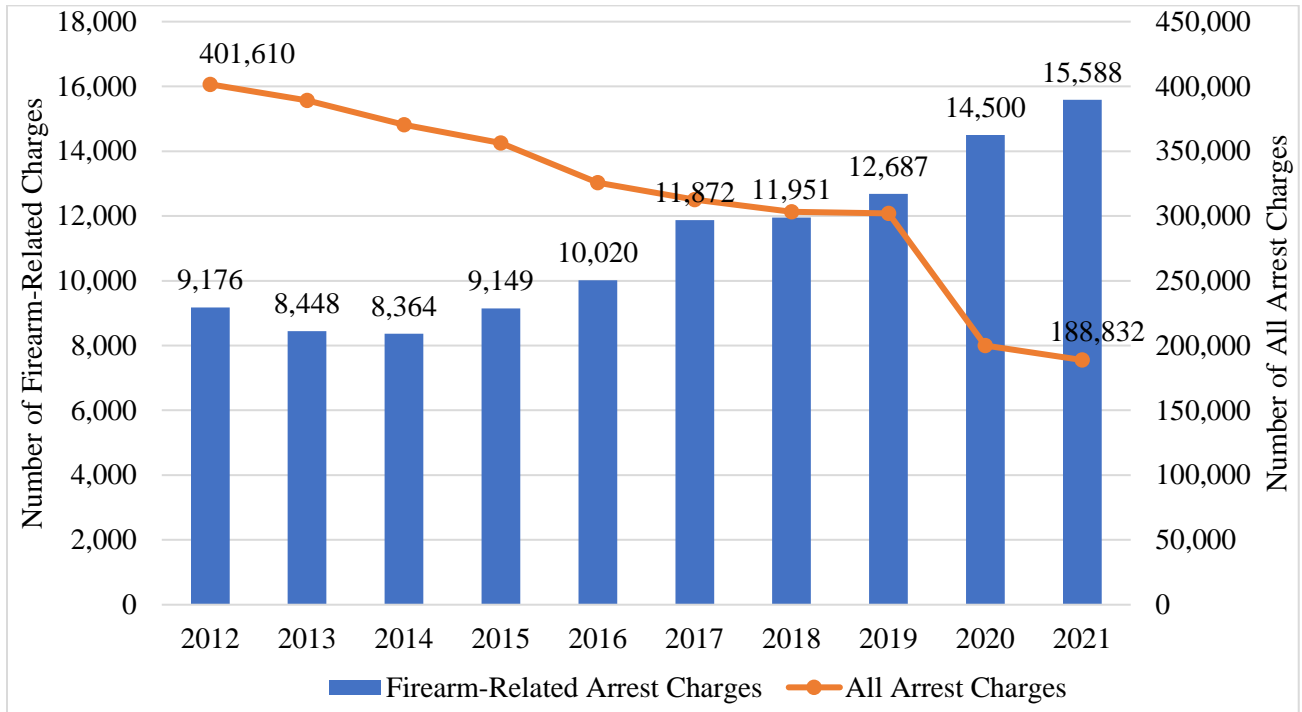
Illinois Firearm-Related Arrest Data

Arrest Trends

We examined state arrest charge trends from 2012 to 2021. Arrest charges for firearm-related offenses increased 69.9% over that period, with the largest increases occurring after 2015 (Figure 1). As all state arrest charges declined during the time period, firearm-related arrest charges increased. Firearm arrest charges made up 8.3% of all arrest charges in 2021.

Figure 1

Illinois Arrest Charges and Firearm-Related Arrest Charges, 2012-2021

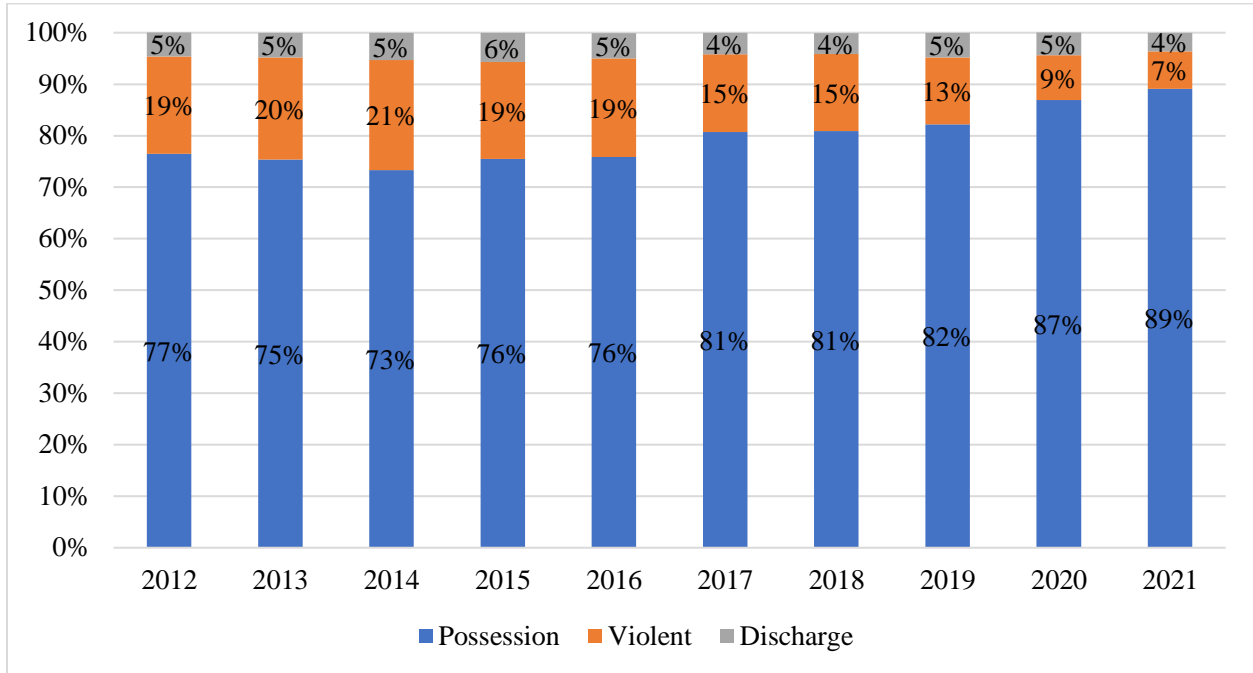


Note. Figure shows data of Illinois arrest charges rather than arrest incidents. Persons may incur more than one charge per arrest incident and multiple arrest incidents per year. Data source was Illinois State Police Criminal History Record Information System.

Figure 2 depicts arrest charges categorized by type—possession, discharge, or violent. Firearm possession-related arrest charges increased 118.7% from 2012 to 2021. In 2021, 77.7% of all firearm-related arrest charges were for possession. The data also indicated a 46.3% increase in arrest charges for discharge of a firearm and a 27.2% reduction in firearm arrest charges categorized as violent during the time period examined.

Figure 2

Illinois Firearm-Related Arrest Charges by Offense Type, 2012-2021



Note. Figure shows data of all Illinois arrest charges rather than arrest incidents. Persons may incur more than one charge per arrest incident and multiple arrest incidents per year. Data source was Illinois State Police Criminal History Record Information System.

Individuals Arrested for Firearm-Related Offenses

Table 2 shows the demographics of arrestees of firearm-related charges in 2021. Arrestees with gun charges were mostly Black males in their 20s, nearly half of the sample were aged 20 to 29. Nearly half of the state’s firearm-related arrest charges in 2021 occurred in Chicago.

Any time a person is arrested during an *arrest incident*, there may be multiple *arrest charges*. Sixty-four percent of persons with firearm possession-related arrest charges had additional other charges. Firearm possession-related arrests at times included drug charges (16.5%) or a violent offense charge (10%).

Table 2*Characteristics of Arrestees with Illinois Firearm-Related Charges, 2021*

	<i>n</i>	%
Gender		
Man	14,316	91.8
Woman	1,272	8.2
Race/ethnicity		
Black	11,608	74.5
White	2,266	14.5
Hispanic	1,577	10.1
Asian	48	0.3
Unknown	89	0.6
Age (in years)		
10-19	2,772	17.8
20-29	7,468	47.9
30-39	3,591	23.0
40-49	1,210	7.8
50-99	544	3.5
Unknown	<10	--
Arresting agency		
Chicago	7,202	46.2
Cook County (excluding Chicago)	2,416	15.5
All others outside of Cook County	5,970	38.3

Note. Sample was 15,588 arrestees with firearm-related arrest charges during any arrest incident; persons may have been arrested more than once during the period examined. Data source was Illinois State Police Criminal History Record Information System.

Criminal History of Individuals Arrested for a Firearm-Related Offense

In 2021, a majority of individuals arrested for a gun crime had a prior arrest charge on their records; however only about one-fourth had a prior conviction (Table 3).

Table 3*Criminal Histories of Individuals with Illinois Firearm-Related Arrest Charges, 2021*

	<i>n</i>	%
Prior arrest charges		
No prior arrest charges	3,503	22.5
Any prior arrest charges	12,085	77.5
Prior violent arrest charges	7,942	50.9
Prior convictions		
No prior convictions	8,360	53.6
Any prior conviction	7,228	27.1
Prior felony conviction	5,925	38.0
Prior violent conviction	2,667	17.1

Note. Sample was 15,588 arrestees with firearm-related arrest charges during any arrest incident; persons may have been arrested more than once during the period examined. “Other” are firearm arrest charges that were not possession, violent, or discharge categories. Data source was Illinois State Police Criminal History Record Information System.

Discussion

This analysis revealed some notable findings on Illinois gun-related arrests with implications for policy and practice.

Illegal Gun-Related Arrest Increased

Illinois arrest charges for firearm-related offenses increased 70% from 2012 to 2021, with the largest jump occurring after 2015, while overall arrest charges were declining. Of those, firearm possession arrest charges increased 118.7% and discharge of firearm arrest charges increased by 46.3%. However, there was a small decrease in firearm arrest charges categorized as violent. This decrease also was seen in Los Angeles, California; Tucson, Arizona; Washington, D.C.; and Baltimore, Massachusetts. Those cities also had increases in firearm possession charges in 2020, despite dramatic reductions in the volume of police stops and arrests due in large part to the COVID-19 pandemic.³³ Concurrently, U.S. gun sales surged, with an estimated 22 million guns purchased in 2020, a 64% increase from 2019.³⁴

The Illinois increase in arrest charges for firearm-related offenses may have been related to a change in Chicago police leadership at the end of 2015 with the resignation of the city’s police superintendent.³⁵ The new superintendent frequently called for tougher state gun laws and, in 2017, testified before an Illinois House committee in support of stricter penalties for people with repeat gun offenses.³⁶

The literature examined for this study indicated protection from violence is a main driver of illegal gun carrying.³⁷ In addition, a majority (77.7%) of 2021 Illinois firearm arrest charges were possession-related. The nuances of illegal gun carrying and violent use and discharge of a gun are important to guide policy and program decisions. According to the University of

Chicago (2021), for policymakers, “differentiation between illegal gun possession and unlawful use of a weapon has been an important part of the conversation.”³⁸

Policies and strategies that address gun violence can be developed at individual, community, and systems levels:

- **Individual:** Those living in the communities with high rates of violence should have access to evidence-based, trauma-informed treatment to address exposure to gun violence, police violence, and structural inequities that make individuals feel unsafe.³⁹
- **Community:** Addressing gun violence in communities with high rates of violent crimes may help reduce the need to carry guns for protection.⁴⁰ Researchers point to investment in community resources, including employment, evidence-based community violence interventions, and services and supports for teenagers and young adults to address impacts of violence.⁴¹
- **Systems:** A reframing of gun violence as public health crisis is needed and should be treated as other public health crises, with urgency.⁴² This includes funding for research on gun violence prevention, employing evidence-based prevention strategies, and offering employment opportunities and access to affordable housing.⁴³

Young Black Males in Chicago Experienced the Most Illegal Gun-Related Arrests

We found that individuals arrested for gun crimes in Illinois were mostly young Black men in Chicago. Olson and colleagues (2020) uncovered similar findings in a study of data spanning 2009 to 2019.⁴⁴ They found that of those convicted of illegal gun carrying in Illinois, 74% were Black men, and of those, 76% of offenses occurred in Cook County and 33% in 11 Chicago neighborhoods. The disproportionate number of arrests for illegal gun-related charges experienced by young Black men in Chicago may be a reflection of policing practices.⁴⁵ Police choose who to stop, search, and arrest for gun possession and policing of gun possession likely varies greatly in Chicago neighborhoods and across the state.⁴⁶

National data on illegal firearm possession arrests and convictions is limited. However, national corrections data indicated U.S. prison admissions for illegal firearm possession increased 9% from 2014 to 2019.⁴⁷ In comparison, U.S. prison admissions for all non-weapon offenses decreased 21% during that period. Additionally, prison admissions for weapon offenses reflect a higher degree of racial disparity than other types of offenses. In 2019, Black individuals accounted for the majority of prison admissions for weapon offenses (55%).

The literature on motivations for illegal gun carrying indicates that people often carry guns illegally for protection in violent places and situations.⁴⁸ According to 2019 Chicago Police Department data, 80% of shooting victims were Black, 86% were male, and 54% were between the ages of 18 and 29.⁴⁹ Young Black men disproportionately experience violence in Chicago and therefore may feel motivated to carry a gun for protection.

Some scholars suggest a reason for the recent dramatic increase in illegal gun possession arrests may be due, in part, to the limited degree in which those in the criminal justice system are able to identify, arrest, and convict those committing violent gun crimes.⁵⁰ They suggest punishing

suspected perpetrators of gun violence by arresting them for illegal gun possession is used as an alternative. A consequence is that arrests for illegal gun carrying disproportionately impact Black individuals.⁵¹

Community violence intervention initiatives may help to reduce the need to carry guns for protection in Chicago and across Illinois.⁵² Funding for these initiatives often targets youth and young adults and funders prioritize organizations that demonstrate high rates of violence in their service areas.⁵³ Illinois violence intervention initiatives have been enacted on individual, community, and systems levels, including:⁵⁴

- **Individual and Community:** ICJIA’s Community-based Violence Prevention Programs (CBVIP) grant provides grant funding to entities that provide case management, violence mediation, mentoring, mental health counseling, and community- and partnership-building to -at-risk youth and young adults.⁵⁵ Evidence-based community violence intervention programs include:
 - Street outreach or violence interruption models.⁵⁶
 - Group violence intervention models.⁵⁷
 - Hospital-based intervention programs.⁵⁸
 - Trauma-informed practices with cognitive behavioral therapy.⁵⁹
 - Shooting and homicide review commissions (multi-disciplinary and multi-agency teams review homicides and shootings in an effort to reduce future homicides and shootings by making recommendations based on review of relevant data and trends).⁶⁰
- **Systems:** In 2021, Illinois established the statewide Office of Firearm Violence Prevention and has increased its investment in community violence intervention initiatives.⁶¹ The state fiscal year 2022 budget appropriated ICJIA:
 - \$50 million for grants to implement violence prevention programs.
 - \$37 million to support community-based violence intervention programs and street intervention programming, and over \$20 million in direct funding to violence prevention organizations across the state.
 - In addition, \$50 million was appropriated to the Illinois Department of Human Services to support mental health, behavioral health, and substance use programs.⁶²

Most Individuals with Gun-Related Arrests had Prior Criminal Records

We found a majority of persons arrested for firearm-related offenses in Illinois in 2021 had prior arrests (77.5%) on their records and about one-fourth (27.1%) had prior convictions. A collaborative community public health approach could start to address root causes of illegal gun carrying and decrease recidivism. Teplin (2019) described a public health approach to firearm violence as one that, “recognizes that firearm violence goes beyond the individual who pulls the trigger and emphasizes the importance of addressing victims and strengthening communities” (p. 7).⁶³

Gun diversion programs offer an alternative sentencing option with support services to individuals with certain gun charges. Typically, charges are dismissed for those who complete a

program and their arrests do not appear on their records.⁶⁴ Although research is limited, preliminary data suggest these programs reduce recidivism, enhance public safety, and reduce criminal justice costs.⁶⁵

In 2018, Illinois law established the First Time Weapon Offender Program (2021), a diversion program for those charged with illegal possession of a loaded gun and without prior violent crime convictions.⁶⁶ Sentencing is deferred and upon successful program completion, charges are dismissed. Justice-involved individuals may participate in the program for up to two years to fulfill requirements of completing educational courses and community service and obtaining employment. However, the population eligible for this program is relatively small, accounting for less than 16% of all those arrested in Illinois for illegal gun possession. The provision of the law on the program is set to expire in 2023, but there is some indication the program contributed to a reduction in prison sentences for gun charges and if continued, the program could expand its age eligibility.⁶⁷ The program only serves people ages 18 to 20; however, arrests for firearm-related charges peak for individuals aged in their 30s. In Illinois, almost half of those with arrest charges for a firearm-related offense in 2020 were between 30 and 39 years old. Further, the program should be fully evaluated to measure impact.

Additional Gun Violence Research Needed

Our data analysis shed light on Illinois gun-related arrest trends but it was limited in scope. More research is needed on characteristics of gun violence, effectiveness of interventions and strategies, technology to improve gun safety, and risk and protective factors of gun violence.⁶⁸ From the late 1990s until 2020, a freeze on federal fund funding for gun violence research caused a gap in related data collection and analysis.⁶⁹ Despite completion of more recent research on gun violence, significant gaps in knowledge persist.⁷⁰ More quantitative and qualitative research is needed on gun violence and illegal gun carrying. In addition, research can engage community members most affected and persons with lived experience using a community-based participatory research approach.⁷¹ This approach can help interpret research findings offering local context.⁷² Further, researchers should evaluate the efficacy of gun violence prevention and intervention programs.

Conclusion

In Illinois, the number of firearm possession arrests more than doubled from 2012 to 2021. Most of those arrested for illegal gun carrying in 2021 were young Black males, arrested in Chicago, and had prior arrests in their criminal histories. In addition, more than three-fourths of all firearm-related arrest charges were for possession. Gun violence is high in urban communities particularly in systematically marginalized communities of color.⁷³ Literature indicates individuals living in communities characterized by violence carry guns illegally to protect themselves, their friends, and family.⁷⁴

Local leaders are pressured to address high rates of gun violence in communities.⁷⁵ However, because violent gun crime is underreported and has low clearance rates, local leaders turn their attention to those who illegally possess firearms with the belief that some of them perpetrate gun violence.⁷⁶ This strategy often leads to increased racial disparities in arrests for gun offenses.⁷⁷

Alternative efforts may promote violence prevention and address motivations for gun carrying. Violence prevention strategies include investment in community resources and evidence-based community violence intervention programs, such as violence interruption models, hospital-based interventions, trauma-informed practices, and shooting review commissions.⁷⁸

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