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Guide To ILLINOIS FOID, CCW, and FROA Laws and FEDERAL LEOSA

Illinois gun laws require residents to have a valid Firearm Owners Identification (FOID) card to possess a firearm or ammunition. There is a waiting period of 72 hours after buying a handgun to take possession of it. Concealed carry licenses are issued by the state police to applicants who have passed a 16-hour training course and are at least 21 years old. Non-resident permits are available for residents of four states, AR, MS, TX, VA and Non-residents are also exempt from having a FOID card if they possess a valid CCW permit from their home state.

Illinois CCW Quick Facts

Illinois Gun Laws To Know

Must Inform Officer? NO.

There is nothing in Illinois gun laws that state you must inform a law enforcement officer you have a firearm when approached on official business. You are legally required to carry the permit/license at all times during which the permittee is in actual possession of a concealed handgun. If an officer requests to see the license then you must hand it over.

The Law

430 ILCS 66/10

No Gun Signs Enforced? YES.

Illinois gun laws give the force of law to "No Weapons" signs. There are legal penalties for entering a private property or business that has posted these signs.

Guns-To-Carry recommends that you do not enter a property displaying a "No Weapons" sign whether the law is for or against signage. If asked to leave a property and you refuse to do so then you are breaking the law and put yourself at risk of being charged.

The Law

430 ILCS 66/70

430 ILCS 66 Section 65(d)

1231.150 Administrative Rules

Vehicle Carry? YES/NO

It is illegal to carry a loaded handgun in a vehicle without a permit/license. The statute does not apply however to the

transportation of firearms that are:

- 1) broken down in a non-functioning state;
- 2) not immediately accessible; or
- 3) unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person with a currently valid Firearm Owner's Identification card.

A person who is issued a valid concealed carry license is permitted to keep or carry a loaded or unloaded concealed handgun on or about his or her person within a vehicle.

There is another separate law for Non-Residents

A non-resident may transport a loaded concealed handgun in a vehicle if they have a valid CCW permit in their home state. They cannot under any circumstances remove the firearm from the vehicle. If they need to exit the vehicle they must lock it or place the firearm in a locked container.

The Law

430 ILCS 66/40

Open Carry? NO.

NO - with or Without a permit

Open carrying a handgun on your person or in a vehicle with or without a license in Illinois is illegal. Even if you have a concealed permit you still cannot legally open carry.

The handgun must be concealed from view of the public.

Restaurant Carry? Perhaps.

In Restaurants That Serve Alcohol

Yes, unless the bar is posted. If a bar gets more than 50% of their income from selling alcohol then you cannot carry a firearm there.

State Park Carry? Perhaps.

It is legal to carry in the following areas;

State Parks: YES

State/National Forests: YES (not in posted buildings)

State Wildlife Management Areas: YES (not in posted buildings)

State Refuge or Nature Preserves: NO

Road-Side Rest Areas: NO

RECIPROCITY

How Reciprocity Works In Illinois

Illinois will not honor any other states concealed carry permits. They will however issue non-resident concealed carry licenses to residents of four states;

- Arkansas
- Mississippi
- Texas
- Virginia

These states have been assessed as having substantially similar firearms laws to Illinois laws. This list is being continually updated as more states are identified as having similar CCW laws to Illinois.

States that honor Illinois CCL

Resident Permit

Alabama, Alaska, Arizona, Arkansas, Idaho, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin

Non-Resident Permit

Alabama, Alaska, Arizona, Arkansas, Idaho, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Wisconsin

Illinois honors the CCL of these State:

None.

States that do not honor Illinois CCL

California, Connecticut, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Louisiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Carolina, Washington, West Virginia, Wyoming.

POINTERS: Illinois Handgun Laws

CCW License Overview

Concealed carry licenses are issued by the Illinois State Police on a "Shall Issue" policy. However, Illinois differs from other states in that they still give law enforcement the right to object to a CCW license being issued if they think the applicant is a danger to public safety or themselves. If the police do object then the case is heard by the Concealed Carry Licensing Review Board who will make the final decision if a license is issued. The applicant is notified by mail of the boards decision.

Another way Illinois differs from other states is that applicants will require a FOID card before they make the application. The FOID card is needed in Illinois to purchase and possess firearms.

Non-Resident Licenses

Illinois currently only grants non-resident CCW licenses to residents of states that have substantially similar concealed carry laws to those in Illinois. There are only four states on this list, Arkansas, Mississippi, Texas and Virginia. Residents from other states are however allowed to travel through Illinois if they have a valid CCW license from their home state.

Handgun Training

A 16-hour firearms training course by a state approved instructor is required for all new CCCW license applications. The course consists of;

1. Firearms Safety
2. Principles of marksmanship
3. Cleaning and loading of firearm
4. State and federal laws on firearms
5. Handling a firearm - Range training with minimum of 30 rounds. You will need to fire 10 rounds from 5 yards, then 7 yards and then 10 yards.

Exemptions

Members of the military and persons who have completed a firearms training course in other states that has been approved by Illinois can obtain a credit of 8 hours of the required 16-hour course.

CCL MINIMUM REQUIREMENTS

- At least 21 years old
- You have a valid Firearm Owner's Identification card (FOID)
- You have not been convicted or found guilty of a misdemeanor involving the threat of physical force or violence to any person within the past 5 years
- You do not have 2 or more violations related to driving while under the influence of alcohol, other drugs, intoxicating compounds within the past 5 years
- You are not subject to a pending arrest warrant, prosecution or proceeding for an offense or action that could lead to disqualification to own or possess a firearm
- You have not been in a residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment within the past 5 years

A FOID Card will be required to purchase a firearm or ammunition

Places Off-Limits In Illinois

- Public or private elementary or secondary school.
- Pre-school or child-care facility
- Any building, parking area, or portion of a building under the control of an officer of the executive or legislative branch of government
- Circuit court, appellate court, or the Supreme Court
- Any building or portion of a building under the control of a unit of local government
- Adult or juvenile detention or correctional institution, prison, or jail
- Public or private hospital or hospital affiliate, mental health facility, or nursing home
- Public bus, train, or form of transportation paid for with public funds
- Establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior 3 months is from the sale of alcohol
- Any public gathering or special event conducted on property open to the public
- Any building or real property that has been issued a Special Event Retailer's license
- Public playground
- Public park, athletic area, or athletic facility
- Property under the control of the Cook County Forest Preserve District
- Any building, classroom, laboratory, medical clinic, hospital, artistic venue, athletic venue, entertainment venue, officially recognized university-related organization property, including parking areas, sidewalks, and common areas under the control of a public or private community college, or university
- Gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975, including an inter-track wagering location

- Any stadium, arena, or the real property or parking area under the control of a stadium, arena, or any collegiate or professional sporting event
- Public library
- Airport
- Amusement park
- Zoo or museum
- Any street, driveway, parking area, property, building, or facility, owned, leased, controlled, or used by a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission
- Any place where the carrying of firearms is prohibited by Federal Law.

Federal law requirements: Federal Off-Limit Areas (Even With a Permit)

- Federal Courthouses*
- Federal Buildings*
- Any Building Owned, Leased or Rented by the Federal Government. This includes buildings in National Forests which are property of the Federal Government. There is no Federal Law that prohibits carry in National Forests. States control the carrying of firearms in National Forests in their state.
- Federal Prisons*
- U.S. Army Corps of Engineers* – The Corps builds and runs flood control and navigation Dams. The Corps has jurisdiction over the Dam Site and usually all waters backed up by the dam. Carry anywhere on Corps property is illegal. Firearms can be unloaded and secured in a vehicle while on Corps Property.
- National Cemeteries*
- Military Bases Firearms are forbidden on military bases even unloaded and secured in a vehicle. Carry not allowed. Some have shooting clubs. You can take firearms onto the Base to shoot if allowed by the base. Certain rules/regulations must be met before bringing firearms onto a Military Compound. Check at each Military Post for specific rules on Shooting Clubs.
- Rented Offices, Any part of any building that the Federal Government has rented for Office space or work force etc. Just their offices or the part of the building they have control over. You can carry in the rest of the building if state or local laws allow.
- Amtrak will have a system in place to check firearms/Ammo in (Amtrak Firearms Policy)
- Post Office – Postal regulations prohibit the possession of firearms in their buildings and in their parking lots or any property they own.
- Bureau of Land Management* – If you can legally carry in the state the BLM land is in you can carry on the BLM land. If it is not legal the area will be posted as no firearms allowed. Any building on the BLM land operated by the federal government is considered federal property and carry in those buildings is not allowed.
- Indian Reservations – Carry on Indian property is controlled by Tribal Law. You must check with each tribe before carrying on their property. Some Indian Tribes consider federal and state highways through their property as under their control.

* This includes parking lots adjacent to or part of the facility if the Federal Agency/Entity owns or has control of the parking lot and it is posted “No Firearms”. The lot has to be posted under federal law if they do not wish to have firearms present.

Places Allowed In Illinois

- State parks – *see details*
- State and national forests
- Vehicle – *see details*
- All areas of the state not listed as Off-Limits

The Illinois Supreme Court ruled in February 2018 that the ban on carry near a public park is unconstitutional.

ILLINOIS STATE POLICE – FIREARMS SERVICES BUREAU

Frequently Asked Questions

DISCLAIMER: Answers provided to the following questions are meant only to give general guidance. The answers do not and are not meant to replace statutory language.

If you have a question regarding the Firearm Owner's Identification Card or the Firearm Concealed Carry Act that is not addressed in these sections, please call (217) 782-7980.

FOID Frequently Asked Questions

1. COVID-19

a. DOES WEARING A FACE COVERING WHILE LEGALLY CARRYING A CONCEALED FIREARM PLACE ME IN DANGER OF VIOLATING ILLINOIS' FIREARMS LAWS?

The Governor's Executive Order regarding the wearing of masks or protective facial coverings in public settings during this serious global pandemic was not intended to negatively impact permit holders under the Illinois Concealed Carry Act while legally carrying firearms. The Executive Order does not require or suggest that law enforcement should arrest or criminally charge conceal carry license permit holders for wearing protective masks while in public as long as they are complying with the other provisions of the Illinois Concealed Carry Act and are not committing any other violations of Illinois law. ISP has confidence that law enforcement officers across the state will use appropriate judgment and that elected State's Attorneys will likewise exercise sound prosecutorial discretion.

b. What is the impact of the state's disaster declaration on my FOID expiration date?

Firearms Owners Identification (FOID) card holders and Concealed Carry License (CCL) holders, who submit their renewal application will remain valid during the duration of the state's disaster proclamation and for a period of 18 months (previously 12 months) following the termination of the disaster, even if their renewal application is/was not submitted prior to expiration.

c. What if my FOID Card is revoked during the COVID-19 disaster period?

The Illinois State Police will continue to enforce both FOID card and CCL prohibitors. FOID card holders who receive revocation notices shall return their FOID and Firearm Disposition Record form to the Illinois State Police.

d. My FOID card expired last week and I just sent in my renewal. How do these rules affect me?

If your FOID expiration date was after March 9, 2020, your FOID card will remain valid throughout the duration of the state's disaster proclamation and for a period of 18 months (previously 12 months) following the termination of the disaster even if a renewal application is/was not submitted prior to expiration.

e. My FOID card shows that it is expired, but these rules mean that it is still valid. I went to my local dealer and they refused to sell me ammunition and/or a firearm. Why?

Dealers are required to check your FOID card before selling ammunition and/or a firearm. A dealer may decline to sell ammunition and/or a firearm if they so choose. Policies on this issue may vary from store to store. Federal regulations pertaining to the purchase of ammunition and firearms have not changed.

f. My Illinois DL or ID card is expired, may I apply for a FOID/CCL?

Yes, per the Governor's Executive Order, expired DL or ID cards will be treated as valid for the duration of the disaster proclamation and 30 days thereafter.

g. My driver's license/identification card expired. Will I be allowed to purchase a firearm/ammunition?

Yes, per the Governor's Executive Order, expired DL or ID cards will be treated as valid for the duration of the disaster proclamation and 30 days thereafter.

h. If my FOID card expired in February, and I just sent in my FOID card renewal application, and the disaster order terminates in December, is my FOID card valid through December of 2021?

Yes

i. I submitted a FOID/CCL application last month. Are new FOID and CCL applications still being processed or only applications for renewal?

Because of the executive order and emergency administrative rules, new applications are being processed ahead of renewals, but you should expect delays. Like all entities, our normal operations have been impacted by COVID-19.

j. My FOID/CCL expired three months ago, and I haven't submitted a renewal application as of today. Can I submit my late FOID/CCL renewal application now in order for my expired FOID/CCL to remain valid, or was there a specific time frame I needed to do this in, in order for it to remain valid?

Your expired FOID/CCL will remain valid for the duration of the disaster proclamation plus 12 months. If you fail to file a renewal application during that time frame, your FOID/CCL license will expire once the 12-month period has elapsed.

2. Overview of the FOID Card

a. What is a FOID Card?

The FOID Card was created in 1968, by the Firearm Owner's Identification Act (430 ILCS 65), as part of a public safety initiative in the State of Illinois to identify those persons eligible to possess and acquire firearms and firearm ammunition. The FOID card is NOT a "conceal and carry" card. The FOID Act can be found by going to the Illinois General Assembly website at www.ilga.gov/legislation/ilcs/ilcs.asp.

b. Who needs a FOID Card?

Unless specifically exempted by statute, any Illinois resident who acquires or possesses firearms, firearm ammunition, tasers or stun guns within the State must have in their possession a valid FOID card issued in his or her name. Non-residents are not required to have a FOID card.

c. Are there exemptions to the requirement of having a FOID Card?

Yes. The FOID Act, 430 ILCS 65/2(b) outlines the following exemptions.

United States Marshals, while engaged in the operation of their official duties.

Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties.

Federal officials required to carry firearms, while engaged in the operation of their official duties.

Members of bona fide veteran's organizations which receive firearms directly from the armed forces of the United States, while using the firearms for ceremonial purposes with blank ammunition.

Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted.

Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case.

Nonresidents while on a firing or shooting range recognized by the Department of State Police.

Nonresidents while at a firearm showing or display recognized by the Department of State Police.

Nonresidents whose firearms are unloaded and enclosed in a case.

Nonresidents who are currently licensed or registered to possess a firearm in their resident state.

Un-emancipated minors while in the custody and immediate control of their parent or legal guardian and the parent or legal guardian currently has a valid FOID card.

Color guards of bona fide veteran's organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition.

Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season. The nonresident must have a valid hunting license and be accompanied by and be using a firearm owned by, a person who possesses a valid FOID card. This is allowed only while in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled, but in no instance upon sites owned or managed by the Department of Natural Resources.

Resident hunters who are properly authorized to hunt and, while accompanied by a person who possesses a valid FOID card, hunt in an area within a commercial club licensed under the Wildlife Code where huntin

e. Is a CCL a replacement for a FOID?

No. You must have a valid FOID in order to have a CCL. If you fail to keep your FOID valid, your CCL will be revoked. However, 430 ILCS 65/3 (a) allows you to present your CCL in lieu of a FOID to purchase a firearm or ammunition.

f. Can I purchase a firearm or ammunition using my CCL?

Yes. As long as your FOID is valid, 430 ILCS 65/3 (a) allows you to present your CCL in lieu of a FOID to purchase a firearm or ammunition.

g. How long is the FOID Card valid?

The FOID Card has a 10-year expiration date.

h. What is the fee for applying for a FOID Card?

The FOID Card application fee is \$10.00. The Illinois State Police use the state of Illinois e-Pay program, therefore, a service fee of 2.25% or a minimum of \$1.00 for credit cards or \$0.50 for an electronic check will be applied. Cash, check, or money-orders are no longer accepted. \$6 of the \$10 fee is deposited in the Wildlife and Fish Fund, \$1 in the State Police Services Fund, and \$3 in the State Police Firearm Services Fund, pursuant to 430 ILCS 65/5(a).

3. FOID Eligibility and the Application Process

a. Who is eligible for a FOID Card?

To be eligible for a FOID card, a person must be 21 years of age or have a parent or guardian sponsor that is eligible for a FOID card. An applicant must not be prohibited from possessing firearms in accordance with state or federal law. This requires the applicant is/has:

Not been convicted of a felony.

Not addicted to narcotics.

Not been a patient in a mental health facility within the past five years.

Not been a patient in a mental health facility more than five years ago, unless the applicant submits a Mental Health certification under 430 ILCS 65/8(u).

Not intellectually disabled.

Not an alien who is unlawfully present in the United States.

Not subject to an existing order of protection.

Not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed.

Not been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction.

Not an alien who has been admitted to the United States under a non-immigrant visa; unless the applicant is an official representative of a foreign government or who received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3).

Not a minor subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that if committed by an adult would be a felony.

Not an adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony.

Is a resident of the State of Illinois (in most cases).

Not been adjudicated as a mentally disabled person.

Not been involuntarily admitted into a mental health facility.

Not a person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, or any other person or the community.

Not developmentally disabled.

Not renounced their citizenship.

Not dishonorably discharged from the United States Armed Forces.

Not convicted of a misdemeanor crime of domestic violence.

b. How do I apply for a FOID Card on-line?

State of Illinois residents may apply for a FOID card by visiting the ISP Firearms Services Bureau website at www.ispsfb.com and clicking on the yellow "Enter" button. Next, if you do not already have a web user account (User ID and password), click "Register Now" where you see "New User" in red. The following presentation provides a quick overview of the FOID Application Process.

FOID Application Overview

c. Can I apply on-line using my smart phone or tablet?

No. When applying online do not use a mobile device such as a smart phone or tablet.

d. Can I phone in my FOID Card application?

Yes you can! Simply call our new Interactive Voice Response (IVR) phone system, at 217-782-7980. New applications require interaction with one of our customer service agents before being transferred to the automated payment system. Renewals are entirely automated. After payment, you will be sent a paper application to complete and return.

e. What if I am not an Illinois resident but I work in Illinois in a law enforcement or armed security job that requires me to carry a firearm? May I apply for a FOID Card?

Individuals may apply for a FOID card by visiting the ISP website at www.isp.state.il.us and clicking on the "FIREARMS SERVICES" button under Agency Links. Applicants will be required to upload completed ISP forms Out of State Affidavit: and EMPLOYMENT REQUIREMENT CERTIFICATION .

f. What if I am a member of the U.S. Military and stationed in Illinois? Can I apply for a FOID Card?

Yes. Follow the instructions for "HOW DO I APPLY FOR A FOID CARD?" You will need to provide the information for the base where you are stationed while in Illinois, a copy of your military assignment orders, your U.S. Military I.D and complete this following form: Out of State Affidavit.

g. What if I am Amish or have a religious exemption from the photo requirement? Can I apply for a FOID Card without a photo?

Yes, Amish or religious exempt applicants will only be able to apply for a FOID card through the alternative call-in application method. Applicants will need to provide a set of fingerprints using an Illinois State Police approved fingerprint card and federal form 4029 - APPLICATION FOR EXEMPTION FROM SOCIAL SECURITY AND MEDICARE AND WAIVER OF BENEFITS. Please note that firearms cannot be purchased through a Federal Firearms Licensed dealer with a FOID card not containing a photograph.

h. What if I am not a U.S. citizen? Can I apply for a FOID Card?

Yes, you will be required to provide an A#, AR# or USCIS# upon application to determine your eligibility. This will be a 9-digit numerical number. You can find these numbers on either your Permanent Resident Card or Employment Authorization Card. If you do not have either of these, please visit www.CBP.gov to obtain your I-94#. This number is 11 numerical digits.

i. If I am a qualifying patient or designated caregiver pursuant to the Compassionate Use of Medical Cannabis Pilot Program Act and hold a valid Medical Cannabis Card, are my Firearms Owners Identification Card and Concealed Carry License still valid?

Medical marijuana cardholders will not have their FOID or CCL cards revoked, or be denied issuance of a FOID or CCL card, due to their status as a medical marijuana cardholder. Such cards are State-issued, governed by State law, and State law requires that a person's status as a medical marijuana cardholder not result in the denial of any right or privilege.

j. What if I do not have access to a computer? Is there a paper FOID application?

Sort of. We no longer accept the old, fill-in-the-blank form, but you may apply through our alternative call-in method. To do so, call the Customer Service Center at 217-782-7980 to complete the application over the phone, including making payment in the form of a credit card, debit card or electronic check. Upon payment, a partially-completed application will be mailed to you for final completion. You will need to answer some criminal history and mental health questions, attach a RECENT photograph and sign the application. You must return the application to the Firearms Services Bureau for final processing. Please DO NOT send in a check, money order, or cash with your completed call-in paper application; the fee will already have been taken electronically through the alternative call-in method.

k. I obtained a paper FOID application from a gun dealer. May I use it to apply for a FOID Card?

No. Fill-in-the-blank paper applications obtained from retailers of any kind or from ANY provider on the internet, are obsolete and are no longer accepted. If you want to use the alternative call-in method, please call our Customer Service Center at 217-782-7980. Most callers are able to complete the entire process automatically without having to wait on hold to speak with an agent.

L. What do I need to complete my FOID application?

You will need to provide your full name, date of birth, street address of residence, Driver's License or Identification Card number, and a color photograph. You should have all these things available, along with a credit card, debit card or electronic check before you start the application process, whether using the online process or the alternative call-in method. Please Note: FOID cards will not be forwarded by the U.S. Postal Service.

M. What are the photo requirements for the FOID Card?

Applicants need to provide a color photograph, recently taken, and in a likeness of the applicant. The face cannot be obstructed. If applying through the on-line application you will need to upload an electronic photograph that is a color, head and shoulders photo with no obstruction of the facial features AND NO DIGITAL ALTERATIONS. Please remove hats

and sunglasses before taking the picture. If you are applying through the alternative call-in method, you need to attach the color photo to the front of the paper application with clear tape. PLEASE NOTE: IN ACCORDANCE WITH THE FOID ACT, FOR ILLINOIS RESIDENTS OVER THE AGE OF 18, THE ILLINOIS DRIVER'S LICENSE OR IDENTIFICATION CARD PHOTO ON FILE WITH THE SECRETARY OF STATE WILL BE PRINTED ON YOUR FOID CARD. YOU MUST STILL PROVIDE THE ILLINOIS STATE POLICE WITH A DIFFERENT PHOTO FOR VERIFICATION PURPOSES. Do not send a picture of your driver's license or state ID.

n. When should I expect to receive my FOID Card?

PLEASE SEE THE COVID-19 NOTICES AT THE TOP OF THE FAQs! The Illinois State Police will issue your card pending verification that all information is accurate and meets state requirements. Normally, FOID renewals are processed within 60 business days (about three months). FOID new applications are processed within 30 calendar days. Please allow up to 10 additional days for printing and mailing before inquiring about your card.

o. When can I renew my FOID Card?

A FOID Card holder may renew their FOID card up to 90 days in advance of the expiration date. To renew your FOID card, you may do so online at www.ispfsb.com or use the new, automated Intelligent Voice Recognition (IVR) system by calling 217-782-7980. Following payment, you will be sent a partially-filled paper application to finish completing and return. Fill-in-the-blank paper applications are no longer accepted.

p. How do I renew my FOID Card?

Your FOID card can be renewed through either the on-line method at www.ispfsb.com or the alternative call-in application process. Follow the instructions for "HOW DO I APPLY FOR A FOID CARD?" If renewing on-line, you will select the "RENEW" button after logging in. The "RENEW" button will appear when the FOID card holder is eligible to renew the card. FOID card holders will also be notified by US mail, 60 days prior to the expiration of their FOID card. Please allow up to 60 business days to process your renewal application, plus mailing, to receive your card. FOID cards will not be forwarded by the U.S. Postal Service.

4. Minor Applicants

a. Can I apply for a FOID Card if I am less than 21 years old?

Yes, a minor can apply for a FOID Card as long as they have a sponsor who is a parent or legal guardian. The parent or legal guardian does not have to have a FOID Card, but must be eligible for a FOID Card. The parent or legal guardian must also sign an affidavit and attach it to the application.

b. If I am not 21 years of age, but I am married, can my spouse sign as my sponsor?

No. A parent or someone who has been appointed as your legal guardian by court order must be your sponsor.

c. If I am not 21 years of age, my parents are not living, but I am over the age of 18, can I apply for a FOID Card?

If you are not 21 years of age and do not have living parents or a legal guardian, upon receipt, your application shall be deemed denied. Pursuant to 430 ILCS 65/10, you may appeal the Director of the Illinois State Police.

d. If I am not 21 years of age, my parents are not living or are not eligible to be FOID sponsors, but am in the military, can I obtain a FOID Card?

Yes. Minors aged 18 but not yet 21, who are active-duty military can waive the sponsor requirement.

e. If the minor applicant cannot sign the application, can the parent sign it for them?

No. The parent or legal guardian cannot sign the application on behalf of the minor applicant. If the minor applicant is not able to sign the application, a copy of the applicant's birth certificate is required.

CCL Frequently Asked Questions

1. COVID-19

A. DOES WEARING A FACE COVERING WHILE LEGALLY CARRYING A CONCEALED FIREARM PLACE ME IN DANGER OF VIOLATING ILLINOIS' FIREARMS LAWS?

The Governor's Executive Order regarding the wearing of masks or protective facial coverings in public settings during this serious global pandemic was not intended to negatively impact permit holders under the Illinois Concealed Carry Act while legally carrying firearms. The Executive Order does not require or suggest that law enforcement should arrest or criminally charge conceal carry license permit holders for wearing protective masks while in public as long as they are complying with the other provisions of the Illinois Concealed Carry Act and are not committing any other violations of Illinois law. ISP has confidence that law enforcement officers across the state will use appropriate judgment and that elected State's Attorneys will likewise exercise sound prosecutorial discretion.

B. What is the impact of the state's disaster declaration on my CCL expiration Date?

Firearms Owners Identification (FOID) card holders and Concealed Carry License (CCL) holders, who submit their renewal application will remain valid during the duration of the state's disaster proclamation and for a period of 18 months (previously 12 months) following the termination of the disaster, even if their renewal application is/was not submitted prior to expiration. Renewal CCL holders will need to submit proof of their three-hour renewal training within 18 months following the termination of the state's disaster proclamation in order to maintain the validity of their CCL.

C. What if I need to renew my CCL, but can't get into a refresher class due to COVID-19?

In accordance with the Executive Order and emergency administrative rules governing concealed carry matters in Illinois, CCL holders can renew their cards without having to submit proof of training during the renewal process. This exemption does require that those not submitting proof of training ultimately do so within one year of the termination of the state's disaster proclamation.

D. What if my CCL is revoked during the COVID-19 disaster period?

The Illinois State Police will continue to enforce both FOID card and CCL prohibitors. CCL holders who receive revocation notices shall return their CCL to the Illinois State Police.

E. I am a CCL holder. How can I complete my three-hour training?

Renewal applications will be accepted without proof that renewal training is completed. CCL licensees will need to submit proof of their three-hour renewal training within 12 months following the termination of the state's disaster proclamation in order to maintain the validity of their CCL license

F. My Illinois DL or ID card is expired, may I apply for a FOID/CCL?

Yes, per the Governor's Executive Order, expired DL or ID cards will be treated as valid for the duration of the disaster proclamation and 30 days thereafter.

G. I submitted a FOID/CCL application last month. Are new FOID and CCL applications still being processed or only applications for renewal?

New applications are being processed ahead of renewals, but you should expect delays. Like all entities, our normal

operations have been impacted by COVID 19.

H. My FOID/CCL expired three months ago, and I haven't submitted a renewal application as of today. Can I submit my late FOID/CCL renewal application now in order for my expired FOID/CCL to remain valid, or was there a specific time frame I needed to do this in, in order for it to remain valid?

If your FOID/CCL expired after March 9, 2020, it will remain valid for the duration of the disaster proclamation plus 18 months (previously 12 months). If you fail to file a renewal application during that time frame, your FOID/CCL license will expire once the 18-month (Previously 12-month) period has elapsed.

2. Out of State Residents

A. Can out-of-state residents obtain an Illinois Concealed Carry License?

Yes. However, only residents of states or territories of the United States with laws related to firearm ownership, possession, and carrying that are substantially similar to the requirements to obtain a license under the Firearm Concealed Carry Act are eligible.

B. How can I find out if my state's laws are considered "substantially similar?"

The Illinois State Police sent a survey to each state to determine which states have laws that are substantially similar. Currently, the only states considered to be substantially similar are Arkansas, Idaho, Mississippi, Nevada, Texas and Virginia.

C. What does "substantially similar" mean?

"Substantially Similar" means the comparable state regulates who may carry firearms, concealed or otherwise, in public; prohibits all who have involuntary mental health admissions, and those with voluntary admissions within the past 5 years, from carrying firearms, concealed or otherwise, in public; reports denied persons to NICS; and participates in reporting persons authorized to carry firearms, concealed or otherwise, in public through Nlets.

D. What if I moved out of state? What should I do with my CCL?

Simply mail it back to the Firearms Services Bureau at 801 S. 7th Street, Suite 400M, Springfield Illinois 62703. Include a note that you have moved out of state and are surrendering your CCL. If you are moving to a substantially similar state and wish to have an Illinois CCL, you will have to re-apply following that process.

3. Business and Property Owners

A. Where can business owners obtain information about required signage?

Signage information is available on this website at <https://ispfsb.com/Public/Signage.aspx>.

B. Can a business owner post a sign larger than 4 inches by 6 inches?

Yes. The Illinois State Police has adopted administrative rules permitting the property owner to incorporate the 4 X 6 inch template into a larger sign; however, the required template must be reproduced as a 4 X 6 inch image somewhere on the larger sign. The administrative rules also permit inclusion of additional language on the larger signs.

C. If a business does not prohibit concealed carry and there is a firearms related incident on its property, is the business liable for the incident?

This is not a question for the Illinois State Police. Business owners concerned about liability issues regarding the FCCA should retain private legal counsel with whom they can confer on these matters. The ISP cannot give legal advice to private

business owners.

D. I am a business owner; however, I rent the real property used to conduct my business. Does the authority rest with the property owner or me to allow/prohibit concealed firearms in my business?

The authority rests with the property owner. This is true unless otherwise specified in a rental or lease agreement. Again, there is nothing in the FCCA that preempts a real property owner from designating this authority to a lessee through an appropriate lease agreement.

E. Can a business allow customers to carry concealed, yet prohibit employees from doing it?

This is an employment law question. The Illinois State Police cannot give legal advice to employers; however, the law is not written to preempt an employer's right to have more restrictive employment policies. If a business owner or employer wants to prohibit only employees, they should not post the required sign as doing so makes the location a prohibited place. Rather, this should be addressed through appropriate employment policies.

F. Can a business prohibit a weapon from being secured inside a locked vehicle while the vehicle is parked in a business parking lot?

It does not appear that even a private property owner can do so given the parking lot safe haven provision.

G. Can a state agency prohibit concealed carry for all of its buildings or are there any limitations it has to worry about?

All state buildings are prohibited areas and must be posted as such.

H. Can a state agency develop policies that say employees leave them at home or put the weapon in the trunk before coming onto the grounds? Or does the state agency have to accept employees putting the weapon in the trunk before entering the building?

This is an employment law question. The Illinois State Police cannot give legal advice to employers. That said, while the law does not specifically preempt an employer's right to have more restrictive employment policies, it is not clear that an employer can override the parking lot safe haven exemption created by the statute. This would be particularly true for a public employer.

4. Enforcement

A. How will Illinois State Police (ISP) officers and local law enforcement respond to citizens who are carrying weapons?

The ISP will continue to enforce the law in effect. Persons who carry firearms without a Concealed Carry License issued by the ISP are subject to arrest.

B. Who needs an Illinois Concealed Carry License?

Everyone who wants to carry a concealed firearm on his/her person in Illinois is required to have an Illinois Concealed Carry License except current peace officers and retired police officers eligible under a federally approved retired officer concealed carry program such as the Illinois Retired Officer Concealed Carry (IROCC) Program. Retired officers may be eligible to carry under either the IROCC Program or the Firearm Concealed Carry Act (430 ILCS 66).

C. Will Illinois Concealed Carry License holders have reciprocity in other states?

This will be determined by the laws of the 49 other states. Illinois Concealed Carry License holders who want to conceal and carry in other states are responsible for researching the state laws to where they are traveling.

D. Will persons be allowed to open carry?

No. A handgun carried on or about a person must be concealed from view of the public or on or about a person within a vehicle.

E. What is the parking lot exemption for CCL holders in prohibited places?

Any licensee prohibited from carrying a concealed firearm into the parking area of a prohibited location shall be permitted to carry a concealed firearm on or about his or her person within a vehicle into the parking area and may store a firearm or ammunition concealed in a case within a locked vehicle or locked container out of plain view within the vehicle in the parking area. A licensee may carry a concealed firearm in the immediate area surrounding his or her vehicle within a prohibited parking lot area only for the limited purpose of storing or retrieving a firearm within the vehicle's trunk. **This exception does not apply to any area where firearms are prohibited under federal law or to property regulated by the federal Nuclear Regulatory Commission.**

LEGISLATIVE ANALYSIS

New Illinois Law Synopsis - Firearms Restraining Order Act

There's a new law the Governor of Illinois signed which comes into effect January 1st, 2019 -- it is the Firearms Restraining Order Act. It allows a person (the petitioner) to obtain a special type of restraining order if the court finds that the respondent (a possessor of firearms) poses an immediate and present danger of causing personal injury to him/herself or another by having in his/her custody or control, purchasing, possessing, or receiving a firearm. A petitioner can be a family member of the respondent (as defined in the Act) or a law enforcement officer. There are various requirements for notice and service of process, but in certain situations, the petitioner is able to obtain an ex-parte emergency firearms restraining order, meaning that notice would not need to be provided to the respondent prior to the hearing for this restraining order. *If the court issues an emergency firearms' restraining order, the court will find that there is probable cause to believe that the respondent possesses firearms, and the court will also issue a search warrant requiring police to seize the respondent's firearms. The court may, as part of that search warrant, direct the police to search the respondent's residence and other places where the court finds there is probable cause to believe the respondent is likely to possess the firearms.* (See Section 35 (f-5) and Section 40 (g-5) below.) When the court issues an emergency firearms restraining order, the respondent shall be required: (1) to refrain from having in his or her custody or control, purchasing, possessing, or receiving additional firearms for the duration of the order; and (2) turn over their Firearm Owner's Identification Card and concealed carry license to the local police, which, if not expired, shall be returned to the respondent after the firearms restraining order is terminated or expired. A respondent who has a firearms' restraining order issued against them may allow a specific person to hold the respondent's firearms; however, the person who receives the firearms must complete an affidavit stating that he/she shall not give the firearms back to the respondent or anyone else in the respondent's residence during the time period of the firearms restraining order. A violation of this firearms restraining order is a class A misdemeanor, meaning that the maximum punishment is 364 days in jail.

FIREARMS RESTRAINING ORDER ACT – LEGISLATIVE ANALYSIS

STATUS: **Public Act: 100-0607.** Eff: 1-1-19.

Statutes Amended:

New Act
430 ILCS 65/8.2 & 8.3 new.
430 ILCS 66/70

Synopsis as Amended: A. Creates the Firearms Restraining Order Act.

1. Provides that a petitioner may request an emergency firearms' restraining order by filing an affidavit or verified pleading alleging that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.
 2. Provides that the petition shall also describe the type and location of any firearm or firearms presently believed by the petitioner to be possessed or controlled by the respondent.
 3. Provides that the petitioner may be a family member of the respondent or a law enforcement officer, who files a petition alleging that the respondent poses a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.
 4. Establishes factors that the court must consider before issuing a firearms' restraining order.
 5. Provides for the issuance of ex-parte orders and 6-month orders.
 6. Provides that if the court issues the order, the respondent must: (1) refrain from having in his or her custody or control, purchasing, possessing, or receiving additional firearms for the duration of the order; and (2) turn over to the local law enforcement agency any firearm, Firearm Owner's Identification Card, or concealed carry license in his or her possession.
 7. Provides that a respondent whose Firearm Owner's Identification Card has been revoked may petition the court to transfer the respondent's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the respondent.
 8. Provides that notice of the petition shall be served upon the person protected by the firearms restraining order.
 9. Provides that if a person other than the respondent claims title to any firearms surrendered under this provision, he or she may petition the court, if the petitioner is present in court or has notice of the petition, to have the firearm returned to him or her.
 10. Provides that if the court determines that person to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that: (1) the firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and (2) the firearm is not otherwise unlawfully possessed by the owner.
 11. Provides that the person petitioning for the return of his or her firearm must swear or affirm by affidavit that he or she: (1) is the lawful owner of the firearm; (2) shall not transfer the firearm to the respondent; and (3) will store the firearm in a manner that the respondent does not have access to or control of the firearm.
 12. Establishes factors for renewing and terminating firearms restraining orders.
 13. Provides that if the court denies issuance of a firearms restraining order against the respondent, all records of the proceeding shall be immediately expunged from the court records.
 14. Provides that if the firearms restraining order is granted, all records of the proceeding shall, 3 years after the expiration of the order, be sealed.
 15. Provides that any act of omission or commission by any law enforcement officer acting in good faith in rendering emergency assistance or otherwise enforcing this Act shall not impose civil liability upon the law enforcement officer or his or her supervisor or employer, unless the act is a result of willful or wanton misconduct.
- B.** Amends the Firearm Owners Identification Card Act and the Firearm Concealed Carry Act to make conforming changes.

FIREARMS RESTRAINING ORDER ACT - STATUTORY TEXT

Section 1. Short title. This Act may be cited as the **Firearms Restraining Order Act.**

Section 5. **Definitions.** As used in this Act:

"**Family member of the respondent**" means a spouse, parent, child, or step-child of the respondent, any other person related by blood or present marriage to the respondent, or a person who shares a common dwelling with the respondent.

"**Firearms restraining order**" means an order issued by the court, prohibiting and enjoining a named person from having in his or her custody or control, purchasing, possessing, or receiving any firearms.

"**Intimate partner**" means a spouse, former spouse, a person with whom the respondent has or allegedly has a child in common, or a person with whom the respondent has or has had a dating or engagement relationship.

"**Petitioner**" means: (1) a family member of the respondent as defined in this Act; or (2) a law enforcement officer, who files a petition alleging that the respondent poses a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

"**Respondent**" means the person alleged in the petition to pose a danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

Section 10. Commencement of action; procedure.

(a) Actions for a firearms' restraining order are commenced by filing a verified petition for a firearms' restraining order in any circuit court.

(b) A petition for a firearms' restraining order may be filed in any county where the respondent resides.

(c) No fee shall be charged by the clerk for filing, amending, vacating, certifying, or photocopying petitions or orders; or for issuing alias summons; or for any related filing service. No fee shall be charged by the sheriff or other law enforcement for service by the sheriff or other law enforcement of a petition, rule, motion, or order in an action commenced under this Section.

(d) The court shall provide, through the office of the clerk of the court, simplified forms and clerical assistance to help with the writing and filing of a petition under this Section by any person not represented by counsel. In addition, that assistance may be provided by the State's Attorney.

Section 15. Subject matter jurisdiction. Each of the circuit courts shall have the power to issue firearms restraining orders.

Section 20. Jurisdiction over persons. The circuit courts of this State have jurisdiction to bind (1) State residents and (2) non-residents having minimum contacts with this State, to the extent permitted by Section 2-209 of the Code of Civil Procedure.

Section 25. Process. The summons shall be in the form prescribed by Supreme Court Rule 101(d), except that it shall require respondent to answer or appear within 7 days. Attachments to the summons or notice shall include the petition for the firearms restraining order and supporting affidavits, if any, and any emergency firearms restraining order that has been issued. The enforcement of an order under Section 35 shall not be affected by the lack of service, delivery, or notice, provided the requirements of subsection (f) of that Section are otherwise met.

Section 30. Service of notice of hearings. Except as provided in Section 25, notice of hearings on petitions or motions shall be served in accordance with Supreme Court Rules 11 and 12, unless notice is excused by Section 35 of this Act, or by the Code of Civil Procedure, Supreme Court Rules, or local rules.

Section 35. Ex-parte orders and emergency hearings.

(a) A petitioner may request an emergency-firearms restraining order by filing an affidavit or verified pleading alleging that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The petition shall also describe the type and location of any firearm or firearms presently believed by the petitioner to be possessed or controlled by the respondent.

b) If the respondent is alleged to pose an immediate and present danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent. The notice must include that the petitioner intends to petition the court for an emergency-firearms restraining order, and, if petitioner is a law enforcement officer, referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate. Petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If after making a good faith effort petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

b) If the respondent is alleged to pose an immediate and present danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent. The notice must include that the petitioner intends to petition the court for an emergency firearms' restraining order, and, if petitioner is a law enforcement officer, referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate. Petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If after making a good faith effort petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

(c) Every person who files a petition for an emergency firearms' restraining order, knowing the information provided to the court at any hearing or in the affidavit or verified pleading to be false, is guilty of perjury under Section 32-2 of the Criminal Code of 2012.

(d) An emergency firearms' restraining order shall be issued on an ex parte basis, that is, without notice to the respondent.

(e) An emergency hearing held on an ex parte basis shall be held the same day that the petition is filed or the next day that the court is in session.

(f) If a circuit or associate judge finds probable cause to believe that the respondent poses an immediate and present danger of causing personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm the circuit or associate judge shall issue an emergency order.

(f-5) If the court issues an emergency firearms' restraining order, it shall, upon a finding of probable cause that the respondent possesses firearms, issue a search warrant directing a law enforcement agency to seize the respondent's firearms. The court may, as part of that warrant, direct the law enforcement agency to search the respondent's residence and other places where the court finds there is probable cause to believe he or she is likely to possess the firearms.
(Emphasis Added)

(g) An emergency firearms' restraining order shall require:

(1) the respondent to refrain from having in his or her custody or control, purchasing, possessing, or receiving additional firearms for the duration of the order; and

(2) the respondent to turn over to the local law enforcement agency any Firearm Owner's Identification Card and concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping. The firearm or firearms and Firearm Owner's Identification Card and concealed carry license, if unexpired, shall be returned to the respondent after the firearms restraining order is terminated or expired.

(h) Except as otherwise provided in subsection (h-5) of this Section, upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card and concealed carry license cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for Training purposes, or for any other application as deemed appropriate by the local law enforcement agency.

(h-5) A respondent whose Firearm Owner's Identification Card has been revoked or suspended may petition the court, if the petitioner is present in court or has notice of the respondent's petition, to transfer the respondent's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the respondent. Notice of the petition shall be served upon the person protected by the emergency firearms restraining order. While the order is in effect, the transferee who receives respondent's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the respondent or to anyone residing in the same residence as the respondent.

(h-6) If a person other than the respondent claims title to any firearms surrendered under this Section, he or she may petition the court, if the petitioner is present in court or has notice of the petition, to have the firearm returned to him or her. If the court determines that person to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

- (1) the firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and
- (2) the firearm is not otherwise unlawfully possessed by the owner. The person petitioning for the return of his or her firearm must swear or affirm by affidavit that he or she:

- (i) is the lawful owner of the firearm;
- (ii) shall not transfer the firearm to the respondent; and
- (iii) will store the firearm in a manner that the respondent does not have access to or control of the firearm.

(i) In accordance with subsection (e) of this Section, the court shall schedule a full hearing as soon as possible, but no longer than 14 days from the issuance of an ex parte firearms restraining order, to determine if a 6-month firearms' restraining order shall be issued. The court may extend an ex parte order as needed, but not to exceed 14 days, to effectuate service of the order or, if necessary, to continue protection. The court may extend the order for a greater length of time by mutual agreement of the parties.

Section 40. Six-month orders.

(a) A petitioner may request a 6-month firearms' restraining order by filing an affidavit or verified pleading alleging that the respondent poses a significant danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The petition shall also describe the number, types, and locations of any firearms presently believed by the petitioner to be possessed or controlled by the respondent.

(b) If the respondent is alleged to pose a significant danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent. The notice must include that the petitioner intends to petition the court for a 6-month firearms' restraining order, and, if petitioner is a law enforcement officer, referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate. Petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If after making a good faith effort petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.

(c) Every person who files a petition for a 6-month firearms' restraining order, knowing the information provided to the court at any hearing or in the affidavit or verified pleading to be false, is guilty of perjury under Section 32-2 of the Criminal Code of 2012.

(d) Upon receipt of a petition for a 6-month firearms' restraining order, the court shall order a hearing within 30 days.

(e) In determining whether to issue a firearms' restraining order under this Section, the court shall consider evidence including, but not limited to, the following:

- (1) The unlawful and reckless use, display, or brandishing of a firearm by the respondent.
- (2) The history of use, attempted use, or threatened use of physical force by the respondent against another person.
- (3) Any prior arrest of the respondent for a felony offense.
- (4) Evidence of the abuse of controlled substances or alcohol by the respondent.
- (5) A recent threat of violence or act of violence by the respondent directed toward himself, herself, or another.
- (6) A violation of an emergency order of protection issued under Section 217 of the Illinois Domestic Violence Act of 1986 or Section 112A-17 of the Code of Criminal Procedure of 1963 or of an order of protection issued under Section 214 of the Illinois Domestic Violence Act of 1986 or Section 112A-14 of the Code of Criminal Procedure of 1963.
- (7) A pattern of violent acts or violent threats, including, but not limited to, threats of violence or acts of violence by the respondent directed toward himself, herself, or another.

(f) At the hearing, the petitioner shall have the burden of proving, by clear and convincing evidence, that the respondent poses a significant danger of personal injury to himself, herself, or another by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

g) If the court finds that there is clear and convincing evidence to issue a firearms' restraining order, the court shall issue a firearms' restraining order that shall be in effect for 6 months subject to renewal under Section 45 of this Act or termination under that Section.

(g-5) If the court issues a 6-month firearms' restraining order, it shall, upon a finding of probable cause that the respondent possesses firearms, issue a search warrant directing a law enforcement agency to seize the respondent's firearms. The court may, as part of that warrant, direct the law enforcement agency to search the respondent's residence and other places where the court finds there is probable cause to believe he or she is likely to possess the firearms.
(Emphasis Added)

(h) A 6-month firearms restraining order shall require:

- (1) the respondent to refrain from having in his or her custody or control, purchasing, possessing or receiving additional firearms for the duration of the order; and
- (2) the respondent to turn over to the local law enforcement agency any firearm or Firearm Owner's Identification Card and concealed carry license in his or her possession. The local law enforcement agency shall immediately mail the card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping. The firearm or firearms and Firearm Owner's Identification Card and concealed carry license, if unexpired shall be returned to the respondent after the firearms restraining order is terminated or expired.

(i) Except as otherwise provided in subsection (i-5) of this Section, upon expiration of the period of safekeeping, if the firearms or Firearm Owner's Identification Card cannot be returned to respondent because respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, use the firearms for training purposes, or for any other application as deemed appropriate by the local law enforcement agency.

(i-5) A respondent whose Firearm Owner's Identification Card has been revoked or suspended may petition the court, if the petitioner is present in court or has notice of the respondent's petition, to transfer the respondent's firearm to a person who is lawfully able to possess the firearm if the person does not reside at the same address as the respondent. Notice of the petition shall be served upon the person protected by the emergency firearms restraining order. While the order is in effect, the transferee who receives respondent's firearms must swear or affirm by affidavit that he or she shall not transfer the firearm to the respondent or to any one residing in the same residence as the respondent.

(i-6) If a person other than the respondent claims title to any firearms surrendered under this Section, he or she may petition the court, if the petitioner is present in court or has notice of the petition, to have the firearm returned to him or her. If the court determines that person to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

- (1) the firearm is removed from the respondent's custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm; and
- (2) the firearm is not otherwise unlawfully possessed by the owner.

The person petitioning for the return of his or her firearm must swear or affirm by affidavit that he or she:

- (i) is the lawful owner of the firearm;
- (ii) shall not transfer the firearm to the respondent; and
- (iii) will store the firearm in a manner that the respondent does not have access to or control of the firearm.

(j) If the court does not issue a firearms' restraining order at the hearing, the court shall dissolve any emergency firearms restraining order then in effect.

(k) When the court issues a firearms' restraining order under this Section, the court shall inform the respondent that he or she is entitled to one hearing during the period of the order to request a termination of the order, under Section 45 of this Act, and shall provide the respondent with a form to request a hearing.

Section 45. Termination and renewal.

(a) A person subject to a firearms' restraining order issued under this Act may submit one written request at any time during the effective period of the order for a hearing to terminate the order.

- (1) The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.
- (2) If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(b) A petitioner may request a renewal of a firearms restraining order at any time within the 3 months before the expiration of a firearms restraining order.

- (1) A court shall, after notice and a hearing, renew a firearms' restraining order issued under this part if the petitioner proves, by clear and convincing evidence, that the respondent continues to pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.
- (2) In determining whether to renew a firearms' restraining order issued under this Act, the court shall consider evidence of the facts identified in subsection (e) of Section 40 of this Act and any other evidence of an increased risk for violence.
- (3) At the hearing, the petitioner shall have the burden of proving, by clear and convincing evidence that the respondent continues to pose a danger of causing personal injury to himself, herself, or another in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.
- (4) The renewal of a firearms restraining order issued under this Section shall be in effect for 6 months, subject to termination by further order of the court at a hearing held under this Section and further renewal by further order of the court under this Section.

Section 50. Notice of orders.

(a) **Entry and issuance.** Upon issuance of any firearms restraining order, the clerk shall immediately, or on the next court day if an emergency firearms restraining order is issued in accordance with Section 35 of this Act (emergency firearms

restraining order), (i) enter the order on the record and file it in accordance with the circuit court procedures and (ii) provide a file stamped copy of the order to respondent, if present, and to petitioner.

(b) Filing with sheriff. The clerk of the issuing judge shall, or the petitioner may, on the same day that a firearms' restraining order is issued, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records or charged with serving the order upon respondent. If the order was issued in accordance with Section 35 of this Act (emergency firearms restraining order), the clerk shall on the next court day, file a certified copy of the order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records.

(c) Service by sheriff. Unless respondent was present in court when the order was issued, the sheriff or other law enforcement official shall promptly serve that order upon respondent and file proof of the service, in the manner provided for service of process in civil proceedings. Instead of serving the order upon the respondent, however, the sheriff, other law enforcement official, or other persons defined in Section 112A-22.10 of the Criminal Code of 1963 may serve the respondent with a short form notification as provided in that Section. If process has not yet been served upon the respondent, it shall be served with the order or short form notification if the service is made by the sheriff, or other law enforcement official.

(d) Any order renewing or terminating any firearms restraining order shall be promptly recorded, issued, and served as provided in this Section.

Section 55. Data maintenance by law enforcement agencies.

(a) All sheriffs shall furnish to the Department of State Police, daily, in the form and detail the Department requires, copies of any recorded firearms restraining order issued by the court, and any foreign orders of protection filed by the clerk of the court and transmitted to the sheriff by the clerk of the Court under Section 50. Each firearms' restraining order shall be entered in the Law Enforcement Agencies Data System (LEADS) on the same day it is issued by the court. If an emergency firearms' restraining order was issued in accordance with Section 35 of this Act, the order shall be entered in the Law Enforcement Agencies Data System (LEADS) as soon as possible after receipt from the clerk.

(b) The Department of State Police shall maintain a complete and systematic record and index of all valid and recorded firearms restraining orders issued or filed under this Act. The data shall be used to inform all Dispatchers and law enforcement officers at the scene of a violation of firearms restraining order of the effective dates and terms of any recorded order of protection.

(c) The data, records and transmittals required under this Section shall pertain to any valid emergency or 6-month firearms restraining order, whether issued in a civil or criminal proceeding or authorized under the laws of another state, tribe, or United States territory.

Section 60. Filing of a firearms' restraining order issued by another state.

(a) A person who has sought a firearms' restraining order or similar order issued by the court of another state, tribe, or United States territory may file a certified copy of the firearms restraining order with the clerk of the court in a judicial circuit in which the person believes that enforcement may be necessary.

b) The clerk shall:

- (1) treat the foreign firearms restraining order in the same manner as a judgment of the circuit court for any county of this State in accordance with the provisions of the Uniform Enforcement of Foreign Judgments Act, except that the clerk shall not mail notice of the filing of the foreign order to the respondent named in the order; and
- (2) on the same day that a foreign firearms' restraining order is filed, file a certified copy of that order with the sheriff or other law enforcement officials charged with maintaining Department of State Police records as set forth in Section 55 of this Act.

(c) Neither residence in this State nor filing of a foreign firearms' restraining order shall be required for enforcement of the order by this State. Failure to file the foreign order shall not be an impediment to its treatment in all respects as an Illinois firearms' restraining order.

(d) The clerk shall not charge a fee to file a foreign order of protection under this Section.

Section 65. Enforcement; sanctions for violation of order. A respondent who knowingly violates a firearms' restraining order is guilty of a Class A misdemeanor. Prosecution for a violation of a firearms' restraining order shall not bar concurrent prosecution for any other crime, including any crime that may have been committed at the time of the violation of the firearms restraining order.

Section 70. Non-preclusion of remedies. Nothing in this Act shall preclude a petitioner or law- enforcement officer from removing weapons under other authority or filing criminal charges when probable cause exists.

Section 75. Limited law enforcement liability. Any act of omission or commission by any law enforcement officer acting in good faith in rendering emergency assistance or otherwise enforcing this Act shall not impose civil liability upon the law enforcement officer or his or her supervisor or employer, unless the act is a result of willful or wanton misconduct.

Section 80. Expungement or sealing of order. If the court denies issuance of a firearms restraining order against the respondent, all records of the proceeding shall be immediately expunged from the court records. If the firearms restraining order is granted, all records of the proceeding shall, 3 years after the expiration of the order, be sealed.

Section 135. The Firearm Owners Identification Card Act is amended by changing Section 8.2 and adding Section 8.3 as follows:

Sec. 8.2. Firearm Owner's Identification Card denial or revocation. The Department of State Police shall deny an application or shall revoke and seize a Firearm Owner's application or shall revoke and seize a Firearm Owner's Identification Card previously issued under this Act if the Department finds that the applicant or person to whom such card was issued is or was at the time of issuance subject to an existing order of protection or firearms restraining order.

(430 ILCS 65/8.3 new)

Sec. 8.3. Suspension of Firearm Owner's Identification Card. The Department of State Police may, by rule in a manner consistent with the Department's rules concerning revocation, provide for the suspension of the Firearm Owner's Identification Card of a person whose Firearm Owner's Identification Card is subject to revocation and seizure under this Act for the duration of the disqualification if the Firearm Owner's Identification Card under this Act.

Section 140. The Firearm Concealed Carry Act is amended by changing Section 70 as follows:

(430 ILCS 66/70)

Sec. 70. Violations.

(b) A license shall be suspended if an order of protection, including an emergency order of protection, plenary order of protection, or interim order of protection under Article 112A of the Code of Criminal Procedure of 1963 or under the Illinois Domestic Violence Act of 1986, or if a firearms restraining order, including an emergency firearms restraining order, under the Firearms Restraining Order Act, is issued against a licensee for the duration of the order, or if the Department is made aware of a similar order issued against the licensee in any other jurisdiction.

Law Enforcement Officers Safety Act (LEOSA)

SUMMARY of The Law Enforcement Officers Safety Act (LEOSA) of 2004

On July 22, 2004, the Law Enforcement Officers Safety Act (LEOSA) of 2004, also commonly called "HR 218," became law. (18 U.S.C. §§, 926B, 926C.) This federal law allows "a qualified law enforcement officer"

or “a qualified retired law enforcement officer” with identification that meets specified criteria to carry a concealed firearm anywhere in the nation, notwithstanding most other state and local laws which restrict the possession of concealed weapons.

In order to be “a qualified law enforcement officer” under the LEOSA, a person must meet the following requirements:

1. Be an employee of a governmental agency who is 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;
2. Have the statutory powers of arrest;
3. Be authorized by the agency to carry a firearm;
4. Not be the subject of any disciplinary action by the agency;
5. Meet the standards, if any, established by the agency that require employees to regularly qualify in the use of a firearm;
6. Not be under the influence of alcohol or any intoxicating or hallucinatory drug;
7. Not be prohibited by federal law from possessing firearms;
8. Be carrying photographic identification issued by the governmental agency identifying the individual as a law enforcement officer.

Regarding the requirement that the individual have the statutory power of arrest to be a “qualified law enforcement officer,” California law allows “a peace officer” to make an arrest. (Pen. Code, § 834.) Penal Code sections 830.1 through 832.6 specify the persons who are peace officers and when and where they may use their authority. No one else is considered a peace officer under California law. (Pen. Code, § 830.)

In order to be “a qualified retired law enforcement officer” under the LEOSA, a person must meet the following criteria:

1. Be retired in good standing from service with a public agency as a law enforcement officer for reasons other than mental instability;
2. Prior to retirement, 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;
3. Prior to retirement, had the statutory powers of arrest;
4. Prior to retirement, was either

(1) regularly employed as a law enforcement officer for an aggregate of 15 years or more; or

(2) retired from service after completing any applicable probationary period of such service, due to a service-connected disability, as determined by the agency;

5. Has a nonforfeitable right to benefits under the retirement plan of the agency;
6. Has met, within the past 12 months, the state’s standards for training and qualification for active law enforcement officers to carry firearms;
7. Not be prohibited by federal law from possessing firearms;
8. Be carrying identification that meets specified criteria (see below).

In order to qualify as “identification” under the LEOSA, a credential that is carried by a *retired* law enforcement officer must meet one of the following criteria:

1. A photographic identification issued by the agency from which the law enforcement officer retired that indicates the retired law enforcement officer has, not less recently than one year prior, been tested or otherwise found by the agency to meet the standards established by the agency for training and qualification for active law enforcement officers to carry a firearm;

OR

2. A photographic identification issued by the agency from which the law enforcement officer retired;

AND

A “certification issued by the State in which the individual resides that indicates that the individual has, not less than one year [prior] . . . been tested or otherwise found by the State to meet the standards established by the State for training and qualification for active law enforcement officers to carry a firearm of the same type as the concealed firearm.”

Both “qualified law enforcement officers” and “qualified retired law enforcement officers” are required to meet the state’s standards for the “training and qualification for active law enforcement officers to carry firearms” under the LEOSA. Penal Code Section 832.3 sets forth the initial and continuing training and testing requirements for peace officers in California. The specific curriculum for the training of peace officers is established by the California Commission on Peace Officer Standards and Training (P.O.S.T.). However, current California law does not set a statewide standard for the training and qualification of active law enforcement officers after graduation from the academy. Standards are established by individual law enforcement agencies for both active and retired officers in those agencies.

The LEOSA has limits and exceptions. It does not apply to all firearms and weapons. For example, it does not authorize either qualified law enforcement officers, or qualified retired law enforcement officers, to carry any of the following: machineguns, silencers, or destructive

devices. Likewise, the LEOSA does not supercede all state laws regarding the possession of concealed firearms. The LEOSA states that it “shall not be construed to supercede or limit the laws of any State that (1) allow private persons . . . 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.”

An individual who would like to know whether he or she qualifies as either a “qualified law enforcement officer,” or a “qualified retired law enforcement officer,” should consult with his or her employing agency and its legal counsel and may wish to obtain legal advice from an attorney licensed to practice law in the state of California.

Frequently Asked Questions (FAQs) about LEOSA:

Who is eligible to carry concealed firearms under this legislation?

Qualified law enforcement officers employed by or retired from a local, State or Federal law enforcement agency.

A “qualified active law enforcement officer” is defined as an employee of a government agency who:

- • is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
- • has statutory powers of arrest or apprehension under the Uniform Code of Military Justice;
- • is authorized by the agency to carry a firearm;
- • is not the subject of any disciplinary action by the agency which could result in suspension

or loss of police powers;

- • meets the standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm;
- • is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance, and
- • is not prohibited by Federal law from possessing a firearm.

The law also defines law enforcement officers employed by the Amtrak Police Department and the Federal Reserve Police Department to be “qualified active law enforcement officers” even though these are not employees of a governmental agency. Further, any “law enforcement or police officer of the executive branch of the Federal Government” is also included in the definition.

The most recent amendment to LEOSA further clarifies that law enforcement officers employed by the U.S. Department of Defense who may not be deemed as having “statutory powers of arrest,” but who did have the authority, under the Uniform Code of Military Justice (UCMJ), to apprehend suspects, meet the definition of “qualified law enforcement officer.”

Qualified active law enforcement officers must carry the photographic identification issued by the agency for which they are employed.

If you are an active duty law enforcement officer with any local, State or Federal governmental agency and you meet all of the requirements above, you may carry a concealed firearm under the provisions set out in the law.

A “qualified retired law enforcement officer” is defined as an individual who:

- • has separated from service in good standing with a government agency as a law enforcement officer for an aggregate of ten (10) years or more or separated from such an agency due to a service-connected disability after completing any applicable probationary period of such service;
- • was authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or the incarceration of any person for any violation of law;
- • had statutory powers of arrest or apprehension under the Uniform Code of Military Justice;
- • is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and
- • is not prohibited by Federal law from possessing a firearm.

The law also defines law enforcement officers formerly employed by the Amtrak Police Department and the Federal Reserve Police Department to be “qualified active law enforcement officers” even though these were not employees of a

governmental agency. Further, any former “law enforcement or police officer of the executive branch of the Federal Government” is also included in the definition.

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The most recent amendment to LEOSA further clarifies that former law enforcement officers employed by the U.S. Department of Defense who may not have been deemed as having “statutory powers of arrest,” but who do have the authority, under the Uniform Code of Military Justice (UCMJ), to apprehend suspects, meet the definition of “qualified law enforcement officer.”

Qualified retired law enforcement officers must carry the photographic identification issued by the agency for which they were employed and have now separated.

An officer separating from service with his agency who has been officially found by a qualified medical professional employed by the agency to be unqualified for continued service for reasons related to mental health and, for that reason is not issued the photographic identification described above and in the statute, is not a qualified retired law enforcement officer as described in 18 USC 926C. Similarly, an officer who has entered into an agreement with the agency from which he is separating which acknowledges that the officer is not qualified under 18 USC 926C for reasons related to mental health and for these reasons will not receive or accept the photographic identification described above is not a qualified retired law enforcement officer as described in 18 USC 926C.

In addition to carrying the photographic identification issued by the agency for which they were employed or were separated, the qualified retired law enforcement officer must also carry documentation which certifies that they have met, within the most recent twelve month period, the active duty law enforcement standards for qualification for a firearm of the same type as the one they intend to carry.

The standard the qualified retired law enforcement officer must meet is that of his former agency, that of the State in which he resides, or in the absence of State standards—or the recognition thereof—the standards of any law enforcement agency in the State in which the qualified retired law enforcement officer and the certified firearms instructor resides.

This document which certifies that the qualified retired law enforcement officer has met the standards described above must be issued by the retired officer’s former agency, by the State in which he lives, or by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State.

Do I need a concealed carry permit from my State or any other documentation to carry lawfully?

No. Qualified active and retired law enforcement officers do not need any additional concealed carry permits or licenses. Federal law *exempts* them from local and State prohibitions on the carriage of concealed firearms.

A qualified law enforcement officer needs to carry his photographic identification issued to him by his agency.

A retired law enforcement officer needs to carry his photographic identification issued to him by the agency from which he has separated ***and*** a document that certifies that he has met, within the most recent twelve month period, the active duty law enforcement standards for qualification for a

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firearm of the same type as the one he intends to carry. See above for more information on the standards a qualified retired officer must meet and what entities can issue this certification document.

Can I carry any type of firearm or ammunition under this law?

No. The exemption provided under this Federal law applies to the carriage of concealed firearms only. The definition of “firearm” in this statute specifically excludes machine guns, silencers, explosives or other destructive devices as these terms are defined in Federal law.

However, the Federal law does extend the exemption to allow the carriage of ammunition “not expressly prohibited by Federal law or subject to the provisions of the National Firearms Act.” This means that qualified active and retired law enforcement officers may carry ammunition in States which may have prohibited the possession of certain ammunition by persons not actively serving in law enforcement within that State.

Am I also exempt from State laws prohibiting the possession or use of “high capacity” magazines?

No. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has ruled that State and local laws and regulations applying to magazines do apply and the exemption provided by LEOSA applies only to firearms and ammunition.

Is the exemption provided by the law total—can I now carry anywhere at any time?

No. The new law exempts all qualified active and retired law enforcement officers from ***State and local laws*** with respect to the carrying of concealed firearms. These officers are not exempt from Federal law or regulation, which governs the carriage of firearms onto aircraft or other “common carriers,” Federal buildings, Federal property, or national parks.

In addition, State (not local) laws which prohibit the carriage of firearms onto State or local government property and State (not local) laws which allow private entities to prohibit firearms on their private property would still apply to qualified active and retired law enforcement officers.

The law says I am exempt from the laws of “any State or any political subdivision thereof.” Does this mean the law is not effective in Washington, D.C., Puerto Rico, or other U.S. territories?

No. The law applies in these places as well. The term “State” is defined in Chapter 44 of Title 18, which is the portion of the U.S. Code that the Law Enforcement Officers’ Safety Act amends, and the one that applies when interpreting this Act.

Section 921, Chapter 44 of Title 18 reads: “The term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (not including the Canal Zone).”

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My agency has a policy that does not allow me to carry my firearm while I am off-duty. Does this mean that this legislation will not benefit me?

If you are a qualified active law enforcement officer, you are legally able to carry a firearm under 18 USC 926B. There may be agencies which enforce or adopt policies, rules, regulations, or employment conditions which discourage or punish officers which choose to carry while off-duty, but such actions do not mean that the officer cannot carry lawfully under the provisions of this statute.

Your agency, however, can prohibit you from carrying your agency-issued weapon, which is the property of the governmental entity.

I work for a civilian law enforcement agency with the U.S. Department of Defense. My superiors, which include active military personnel, have told me that I do not meet the definitions of 18 USC 926B because I do not have statutory arrest authority, despite the fact that my agency can and does make arrests. Am I eligible to carry or not?

Yes, you are. Recent amendments to the Federal law clarified that law enforcement personnel who have apprehension authority derived from the Uniform Code of Military Justice (UCMJ) meet the definitions of qualified active and qualified retired law enforcement officer.

I was injured in the line of duty and was separated from service or forced to retire as a result of the injury. As a result, I do not have ten (10) years aggregated experience as a law enforcement officer. Am I excluded from carrying under the provisions of this new law?

No. Officers who are injured on the job and retired from active service as a result of that injury are included in the bill, as per Section 926C(b)(3)(B). These retired officers are eligible to carry under the law, provided that they have completed their probationary term of service.

Note that these officers must still qualify with the weapon that they intend to carry every twelve months and are not exempt from the documentation requirements described above.

I am a fully-sworn law enforcement officer with statutory law enforcement authority but I work for a railroad, a private university, or other non-governmental employer. I attended the same police academy, received the same training and meet the same qualifications as my law enforcement colleagues in my State. Am I able to carry under the statute as amended?

Unless you are an employee of the Amtrak or Federal Reserve Police Departments, which are entities controlled by the Federal government but are not technically government entities, you must be an employee of a local, State or Federal governmental agency to carry a firearm under the statute as amended.

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Does this bill allow me to carry a firearm on an aircraft, train or cruise ship?

No. This legislation exempts qualified active and retired law enforcement officers from State and local laws regarding the carrying of concealed firearms. The carriage of firearms on aircraft and other “common carriers” is regulated by other Federal statutes and carrier policy.

LEOSA CASELAW

1. Constitutionality

Retired District of Columbia correctional officers satisfied the causation and redressability elements of Article III standing to bring § 1983 action against District of Columbia, seeking to overturn the District’s refusal to certify them as “qualified retired law enforcement officers” under the Law Enforcement Officers Safety Act (LEOSA), which was necessary for them to pursue the right to carry concealed firearms under the Act; the District’s refusal to certify the officers as qualified retired law enforcement officers was an absolute barrier to the exercise of their rights under LEOSA, and a judgment in their favor would meaningfully redress their concrete injuries caused by the District’s unlawful refusals to certify them as qualified retired law enforcement officers. Duberry v. District of Columbia, C.A.D.C.2019, 924 F.3d 570.

Retired police officer did not establish prima facie case that sheriff’s refusal to issue photographic identification to retired officer, in order to allow retired officer to carry concealed firearm pursuant to Law Enforcement Officers Safety Act (LEOSA), constituted retaliation for officer’s protected conduct of endorsing sheriff’s election opponent, in retired officer’s claim alleging violation of First Amendment; sheriff testified that he refused request because officer did not retire in good standing, and retired officer only asserted that he supported election opponent in the “last election cycle,” which occurred after request for identification was denied. Cole v. Monroe County, E.D.Mich.2019, 359 F.Supp.3d 526.

Retired correctional officers adequately alleged injury-in-fact to their legal rights or cognizable interests as required for Article III standing to challenge refusal by District of Columbia Department of Corrections (DOC), their former employer, to classify them as retired law enforcement officers under federal Law Enforcement Officers Safety Act (LEOSA) so that they could obtain firearm certification needed to carry concealed firearms across state lines; officers sought to effectuate their own alleged statutory rights that were and would continue to be denied absent change in DOC's position. Duberry v. District of Columbia, D.D.C.2015, 106 F.Supp.3d 245, reversed and remanded 824 F.3d 1046, 423 U.S.App.D.C. 35, on remand 316 F.Supp.3d 43.

Law Enforcement Officers Safety Act (LEOSA) did not unconstitutionally require states to issue necessary identification to retired law enforcement officers so that they would be allowed to carry concealed weapons in interstate commerce, precluding retired corrections officers' action against New York state agencies for declarative and injunctive relief; regardless of its reliance on state standards for issuance of necessary identification, LEOSA was federal scheme that placed no affirmative obligation on state actors. Johnson v. New York State Dept. of Correctional Services, N.D.N.Y.2010, 709 F.Supp.2d 178.

2.Preemption

Law Enforcement Officers Safety Act (LEOSA) contained no explicit congressional intent to preempt states' authority to issue identification needed for retired law enforcement officers to carry concealed weapons in interstate commerce; statute demonstrated only intent to bar criminal prosecution of retired law enforcement officers who carry concealed firearms in interstate commerce, but such right was made contingent upon retired officer's possession of requisite state-issued identification. Johnson v. New York State Dept. of Correctional Services, N.D.N.Y.2010, 709 F.Supp.2d 178.

3.Private cause of action

Congress did not expressly intend to create private cause of action under Law Enforcement Officers Safety Act (LEOSA), precluding retired corrections officers' action against state agencies for declarative and injunctive relief under LEOSA provision permitting retired officers to carry concealed weapons in interstate commerce; any rights expressly conferred by LEOSA were contingent upon retired officer's possession of identification, but nothing in LEOSA bestowed either explicit right to obtain that identification or federal remedy for state agency's failure to issue such identification. Johnson v. New York State Dept. of Correctional Services, N.D.N.Y.2010, 709 F.Supp.2d 178.

4.Parties

Commissioners of New York's Department of Correctional Services (DOCS) and Division of Criminal Justice Services (DCJS) were proper parties to retired corrections officers' action for declarative and injunctive relief under Law Enforcement Officers Safety Act (LEOSA) provision permitting retired officers to carry concealed weapons in interstate commerce; retired officers did not allege that New York's firearm licensing scheme was in violation of federal law, but rather asserted that commissioners' failure to issue photographic identification and certifications violated LEOSA. Johnson v. New York State Dept. of Correctional Services, N.D.N.Y.2010, 709 F.Supp.2d 178.

5.Construction with other laws

The Law Enforcement Officers Safety Act (LEOSA), which allowed a qualified retired law enforcement officer who carried identification required by LEOSA to carry a concealed firearm anywhere in the United States, even if state or local law would ordinarily prohibit it, did not confer on a retired officer a right to issuance of LEOSA-compliant identification that could be enforced under § 1983; no provision of the LEOSA, whether read individually or together with other provisions, unambiguously imposed obligation on the states to create or give state agency-issued identification to retired law enforcement officers under any circumstances, as statutory language put burden on retired officer who sought to carry concealed weapon to also hold a LEOSA-compliant identification, and placement of such statutory mandate on the states would violate anticommandeering principles of Tenth Amendment, which generally prohibited Congress from controlling the manner in which states regulated private parties. Burban v. City of Neptune Beach, Florida, C.A.11 (Fla.) 2019, 920 F.3d 1274.

Nothing in the Law Enforcement Officers Safety Act (LEOSA) or its legislative history indicated any intent to foreclose private enforcement under § 1983 of right granted to "qualified retired law enforcement officers" to carry concealed firearms

“[n]otwithstanding any other provision of the law of any State or any political subdivision thereof.” DuBerry v. District of Columbia, C.A.D.C.2016, 824 F.3d 1046, 423 U.S.App.D.C. 35, on remand 316 F.Supp.3d 43.

District of Columbia statute authorizing correctional officers to execute warrants for the arrest of parole violators extended arrest authority to plaintiffs, in action brought by retired correctional officers alleging that District had deprived them of their right under the Law Enforcement Officers Safety Act (LEOSA) to carry concealed firearm; although officers never executed warrants during their employment, language of statute extended authority to execute warrants for arrest of parole violators to any officer of District of Columbia penal institutions, and LEOSA required “statutory powers of arrest,” but did not include any requirement that a retired law enforcement officer must have actually exercised arrest authority. Duberry v. District of Columbia, D.D.C.2018, 316 F.Supp.3d 43, affirmed 924 F.3d 570.

Law Enforcement Officers Safety Act (LEOSA) did not confer on retired correctional officers a right enforceable under § 1983 to compel District of Columbia Department of Corrections, their former employing agency, to classify them as “retired law enforcement officers” so officers could obtain permit to carry concealed firearms across state lines; LEOSA clearly conferred an individual right to a retired law enforcement officer to carry a concealed firearm, but any implied standalone procedural right to be classified correctly as a “retired law enforcement officer” was, at best, ambiguous. Duberry v. District of Columbia, D.D.C.2015, 106 F.Supp.3d 245, reversed and remanded 824 F.3d 1046, 423 U.S.App.D.C. 35, on remand 316 F.Supp.3d 43.

6. Complaint

Allegations in complaint filed by retired District of Columbia correctional officers, that the District of Columbia, by declining to provide the requisite firearms certification, had deprived them, as retired correctional officers in good standing who previously had power to make arrests, of their federal right under the Law Enforcement Officers Safety Act (LEOSA) to carry concealed firearm, sufficiently identified a federal right that was within competence of judiciary to enforce and stated § 1983 claim which was plausible on its face. DuBerry v. District of Columbia, C.A.D.C.2016, 824 F.3d 1046, 423 U.S.App.D.C. 35, on remand 316 F.Supp.3d 43.

7. Jurisdiction

District court abused its discretion in exercising supplemental jurisdiction over retired police officer's state certiorari claim with respect to denial of application for Law Enforcement Officer Safety Act (LEOSA) identification card, which would have allowed retired officer to carry a concealed firearm across state lines, where dispute as to whether officer's suspension was outstanding at time of denial raised questions of state law best resolved in state court, there were disputed issues of material fact, such as date, if any, on which suspension became effective, which were inappropriate for resolution on the pleadings, and certiorari claim was not so inextricably intertwined with § 1983 procedural due process claim that exercising supplemental jurisdiction would have been appropriate. Lambert v. Fiorentini, C.A.1 (Mass.) 2020, 949 F.3d 22.

1. Henrichs v. Illinois Law Enforcement Training and Standards Board

United States District Court, N.D. Illinois, Eastern Division. January 26, 2018 306 F.Supp.3d 1049

Headnote: The Law Enforcement Officers Safety Act (LEOSA), pursuant to which law enforcement officers satisfying certain requirements, notwithstanding any state or local law to the contrary, were permitted to carry a concealed weapon, did not create an individual right for retired sheriff's deputies to carry a concealed firearm that was enforceable under § 1983, arising from the Illinois Law Enforcement Training and Standards Board refusing to verify that deputies were qualified retired law enforcement officers under the Illinois Retired Officer Concealed Carry (IROCC) program, even though they may have been qualified under LEOSA; deputies did not have the required agency-issued identification under LEOSA identifying them as having the requisite employment history and firearms training, and there was nothing in LEOSA that obligated the issuance of the identifications to anybody. 18 U.S.C.A. § 926C; 42 U.S.C.A. § 1983; 50 Ill. Comp. Stat. Ann. 705/10; Ill. Admin. Code tit. 20, § 1720.200 et seq.

Document Preview: CIVIL RIGHTS — Equal Protection. State board's refusal to confirm retired sheriff's deputies' eligibility for concealed carry permits satisfied rational basis review.

2. Henrichs v. Illinois Law Enforcement Training and Standards Board

United States District Court, N.D. Illinois, Eastern Division. January 26, 2018 306 F.Supp.3d 1049

Headnote: Illinois Law Enforcement Training and Standards Board's (Board) refusal to confirm the eligibility of retired sheriff's deputies, who worked in corrections or court service, for concealed carry permits under the Illinois Retired Officer Concealed Carry (IROCC) program, while granting permits to other law enforcement officers, was rationally related to a legitimate government interest in protecting the public from potential danger posed by concealed firearms, and thus did not violate deputies' rights under the Equal Protection Clause, where the Board determined that deputies did not qualify as law enforcement officers under the IROCC, which covered officers responsible for the prevention or detection of crime, and Board may have reasonably concluded that such officers had more firearms experience and training, making them better qualified. U.S. Const. Amend. 14; 50 Ill. Comp. Stat. Ann. 705/10; Ill. Admin. Code tit. 20, § 1720.200.

Document Preview: CIVIL RIGHTS — Equal Protection. State board's refusal to confirm retired sheriff's deputies' eligibility for concealed carry permits satisfied rational basis review.

3. Henrichs v. Illinois Law Enforcement Training and Standards Board

United States District Court, N.D. Illinois, Eastern Division. January 26, 2018 306 F.Supp.3d 1049

Headnote: Retired sheriff's deputies had no protected property interest in concealed carry permits under the Law Enforcement Officers Safety Act (LEOSA), pursuant to which law enforcement officers satisfying certain requirements, notwithstanding any state or local law to the contrary, were permitted to carry a concealed weapon, as was required to support claim that their procedural due process rights were violated when the Illinois Law Enforcement Training and Standards Board refused to verify that they qualified for permits under the Illinois Retired Officer Concealed Carry (IROCC) program; LEOSA gave deputies no right to the permits, and the state was free to adopt whatever definition of "qualified retired law enforcement officer" it wished for the IROCC program. U.S. Const. Amend. 14; 18 U.S.C.A. § 926C; 50 Ill. Comp. Stat. Ann. 705/10; Ill. Admin. Code tit. 20, § 1720.200.