



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5687

by Rep. Jerry Costello, II

#### SYNOPSIS AS INTRODUCED:

430 ILCS 66/15

Amends the Firearm Concealed Carry Act. Provides that a law enforcement agency may submit an objection to a license applicant based upon specific and articulable reasons or circumstances (rather than a reasonable suspicion) that the applicant is a danger to himself or herself or others, or a threat to public safety. Provides that the Concealed Carry Licensing Review Board may request more information from the law enforcement agency that submits an objection and if the request is made the agency shall have 30 days to supply the required information. Provides that if the agency fails to respond or does not provide adequate information, the objection shall be rendered moot and the Board shall grant the license. Provides that the Board may not take more than 90 days to render a decision from the time the objection is filed. Provides that failure to render a decision shall be grounds for a mandamus action in which the Board shall be liable for all costs and attorney's incurred by the applicant. Effective immediately.

LRB100 20164 RLC 35449 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Firearm Concealed Carry Act is amended by  
5 changing Section 15 as follows:

6 (430 ILCS 66/15)

7 Sec. 15. Objections by law enforcement agencies.

8 (a) Any law enforcement agency may submit an objection to a  
9 license applicant based upon specific and articulable reasons  
10 or circumstances ~~a reasonable suspicion~~ that the applicant is a  
11 danger to himself or herself or others, or a threat to public  
12 safety. The objection shall be made by the chief law  
13 enforcement officer of the law enforcement agency, or his or  
14 her designee, and must include any information relevant to the  
15 objection. If a law enforcement agency submits an objection  
16 within 30 days after the entry of an applicant into the  
17 database, the Department shall submit the objection and all  
18 information available to the Board under State and federal law  
19 related to the application to the Board within 10 days of  
20 completing all necessary background checks. The Board may  
21 request more information from the law enforcement agency that  
22 submits an objection and if the request is made the agency  
23 shall have 30 days to supply the required information. If the

1 agency fails to respond or does not provide adequate  
2 information, the objection shall be rendered moot and the Board  
3 shall grant the license.

4 (b) If an applicant has 5 or more arrests for any reason,  
5 that have been entered into the Criminal History Records  
6 Information (CHRI) System, within the 7 years preceding the  
7 date of application for a license, or has 3 or more arrests  
8 within the 7 years preceding the date of application for a  
9 license for any combination of gang-related offenses, the  
10 Department shall object and submit the applicant's arrest  
11 record to the extent the Board is allowed to receive that  
12 information under State and federal law, the application  
13 materials, and any additional information submitted by a law  
14 enforcement agency to the Board. For purposes of this  
15 subsection, "gang-related offense" is an offense described in  
16 Section 12-6.4, Section 24-1.8, Section 25-5, Section 33-4, or  
17 Section 33G-4, or in paragraph (1) of subsection (a) of Section  
18 12-6.2, paragraph (2) of subsection (b) of Section 16-30,  
19 paragraph (2) of subsection (b) of Section 31-4, or item (iii)  
20 of paragraph (1.5) of subsection (i) of Section 48-1 of the  
21 Criminal Code of 2012.

22 (c) The referral of an objection under this Section to the  
23 Board shall toll the 90-day period for the Department to issue  
24 or deny the applicant a license under subsection (e) of Section  
25 10 of this Act, during the period of review and until the Board  
26 issues its decision; however, in no case shall the Board take

1 more than 90 days to render a decision from the time the  
2 objection is filed. Failure to render a decision shall be  
3 grounds for a mandamus action in which the Board shall be  
4 liable for all costs and attorney's incurred by the applicant.

5 (d) If no objection is made by a law enforcement agency or  
6 the Department under this Section, the Department shall process  
7 the application in accordance with this Act.

8 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.