

# SB1589



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB1589

Introduced 2/9/2017, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

430 ILCS 66/15  
430 ILCS 66/20

Amends the Firearm Concealed Carry Act. Provides that the referral of an objection from a law enforcement agency for the issuance of a concealed carry license to the Concealed Carry Licensing Review Board shall toll the 90-day period for not more than 60 days for the Department of State Police to issue or deny the applicant a license. Provides that if an objection of a law enforcement agency or the Department is not supported by clear and convincing evidence, the Board shall dismiss the objection and notify the Department that the applicant is eligible for a license. Effective immediately.

LRB100 09833 SLF 20003 b

A BILL FOR

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 and 20 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 a reasonable suspicion that the  
10 applicant is a danger to himself or herself or others, or a  
11 threat to public safety. The objection shall be made by the  
12 chief law enforcement officer of the law enforcement agency, or  
13 his or her designee, and must include any information relevant  
14 to the objection. If a law enforcement agency submits an  
15 objection within 30 days after the entry of an applicant into  
16 the database, the Department shall submit the objection and all  
17 information available to the Board under State and federal law  
18 related to the application to the Board within 10 days of  
19 completing all necessary background checks.

20 (b) If an applicant has 5 or more arrests for any reason,  
21 that have been entered into the Criminal History Records  
22 Information (CHRI) System, within the 7 years preceding the  
23 date of application for a license, or has 3 or more arrests

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

15 (c) The referral of an objection under this Section to the  
16 Board shall toll the 90-day period for not more than 60 days  
17 for the Department to issue or deny the applicant a license  
18 under subsection (e) of Section 10 of this Act, during the  
19 period of review and until the Board issues its decision.

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

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

24 (430 ILCS 66/20)

25 Sec. 20. Concealed Carry Licensing Review Board.

1           (a) There is hereby created within the Department of State  
2 Police a Concealed Carry Licensing Review Board to consider any  
3 objection to an applicant's eligibility to obtain a license  
4 under this Act submitted by a law enforcement agency or the  
5 Department under Section 15 of this Act. The Board shall  
6 consist of 7 commissioners to be appointed by the Governor,  
7 with the advice and consent of the Senate, with 3 commissioners  
8 residing within the First Judicial District and one  
9 commissioner residing within each of the 4 remaining Judicial  
10 Districts. No more than 4 commissioners shall be members of the  
11 same political party. The Governor shall designate one  
12 commissioner as the Chairperson. The Board shall consist of:

13           (1) one commissioner with at least 5 years of service  
14 as a federal judge;

15           (2) 2 commissioners with at least 5 years of experience  
16 serving as an attorney with the United States Department of  
17 Justice;

18           (3) 3 commissioners with at least 5 years of experience  
19 as a federal agent or employee with investigative  
20 experience or duties related to criminal justice under the  
21 United States Department of Justice, Drug Enforcement  
22 Administration, Department of Homeland Security, or  
23 Federal Bureau of Investigation; and

24           (4) one member with at least 5 years of experience as a  
25 licensed physician or clinical psychologist with expertise  
26 in the diagnosis and treatment of mental illness.

1           (b) The initial terms of the commissioners shall end on  
2 January 12, 2015. Thereafter, the commissioners shall hold  
3 office for 4 years, with terms expiring on the second Monday in  
4 January of the fourth year. Commissioners may be reappointed.  
5 Vacancies in the office of commissioner shall be filled in the  
6 same manner as the original appointment, for the remainder of  
7 the unexpired term. The Governor may remove a commissioner for  
8 incompetence, neglect of duty, malfeasance, or inability to  
9 serve. Commissioners shall receive compensation in an amount  
10 equal to the compensation of members of the Executive Ethics  
11 Commission and may be reimbursed for reasonable expenses  
12 actually incurred in the performance of their Board duties,  
13 from funds appropriated for that purpose.

14           (c) The Board shall meet at the call of the chairperson as  
15 often as necessary to consider objections to applications for a  
16 license under this Act. If necessary to ensure the  
17 participation of a commissioner, the Board shall allow a  
18 commissioner to participate in a Board meeting by electronic  
19 communication. Any commissioner participating electronically  
20 shall be deemed present for purposes of establishing a quorum  
21 and voting.

22           (d) The Board shall adopt rules for the review of  
23 objections and the conduct of hearings. The Board shall  
24 maintain a record of its decisions and all materials considered  
25 in making its decisions. All Board decisions and voting records  
26 shall be kept confidential and all materials considered by the

1 Board shall be exempt from inspection except upon order of a  
2 court.

3 (e) In considering an objection of a law enforcement agency  
4 or the Department, the Board shall review the materials  
5 received with the objection from the law enforcement agency or  
6 the Department. By a vote of at least 4 commissioners, the  
7 Board may request additional information from the law  
8 enforcement agency, Department, or the applicant, or the  
9 testimony of the law enforcement agency, Department, or the  
10 applicant. The Board may require that the applicant submit  
11 electronic fingerprints to the Department for an updated  
12 background check where the Board determines it lacks sufficient  
13 information to determine eligibility. The Board may only  
14 consider information submitted by the Department, a law  
15 enforcement agency, or the applicant. The Board shall review  
16 each objection and determine by a majority of commissioners  
17 whether an applicant is eligible for a license. If an objection  
18 of a law enforcement agency or the Department is not supported  
19 by clear and convincing evidence, the Board shall dismiss the  
20 objection and notify the Department that the applicant is  
21 eligible for a license.

22 (f) The Board shall issue a decision within 30 days of  
23 receipt of the objection from the Department. However, the  
24 Board need not issue a decision within 30 days if:

25 (1) the Board requests information from the applicant,  
26 including but not limited to electronic fingerprints to be

1 submitted to the Department, in accordance with subsection  
2 (e) of this Section, in which case the Board shall make a  
3 decision within 30 days of receipt of the required  
4 information from the applicant;

5 (2) the applicant agrees, in writing, to allow the  
6 Board additional time to consider an objection; or

7 (3) the Board notifies the applicant and the Department  
8 that the Board needs an additional 30 days to issue a  
9 decision.

10 (g) If the Board determines by a preponderance of the  
11 evidence that the applicant poses a danger to himself or  
12 herself or others, or is a threat to public safety, then the  
13 Board shall affirm the objection of the law enforcement agency  
14 or the Department and shall notify the Department that the  
15 applicant is ineligible for a license. If the Board does not  
16 determine by a preponderance of the evidence that the applicant  
17 poses a danger to himself or herself or others, or is a threat  
18 to public safety, then the Board shall notify the Department  
19 that the applicant is eligible for a license.

20 (h) Meetings of the Board shall not be subject to the Open  
21 Meetings Act and records of the Board shall not be subject to  
22 the Freedom of Information Act.

23 (i) The Board shall report monthly to the Governor and the  
24 General Assembly on the number of objections received and  
25 provide details of the circumstances in which the Board has  
26 determined to deny licensure based on law enforcement or

1 Department objections under Section 15 of this Act. The report  
2 shall not contain any identifying information about the  
3 applicants.

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

5 Section 99. Effective date. This Act takes effect upon  
6 becoming law.