**Section 1240.525 Refusal to Issue Employee Registration Card or Firearm Control Card Due to Criminal History Record Information**

a) For purposes of this Section, criminal history record information is defined as information collected by criminal justice agencies (defined in 20 ILCS 2630) on individuals consisting of identifiable descriptions and notation of arrests, detention, indictments, information, or other formal criminal charges, and any disposition arising from those charges, sentencing, correctional supervision and release. The individual records must contain both information sufficient to identify the subject of the record and notations regarding any formal criminal justice transaction involving the identified individual.

b) In determining whether an applicant for a permanent employee registration card or firearm control card is unfit for such registration because of criminal history record information, the Division shall consider the following standards:

1) Whether the crime was one of armed violence or any two or more repeated acts of violence towards persons or property [720 ILCS 5/Art. 33A] or:

A) Crimes involving dishonesty, false statement or some other element of deceit, untruthfulness or falsification (including, but not limited to perjury, inducement of perjury, false statement, criminal fraud, embezzlement, false pretense, forgery, counterfeiting and theft).

B) Drug offenses including, but not limited to, the Illinois Controlled Substances Act [720 ILCS 570/Art. I] and Federal Drug Enforcement Laws (21 USC 801 et seq.).

C) Sex offenses including, but not limited to, all crimes listed in Article 11 of the Criminal Code of 1961 [720 ILCS 5/Art. 11].

2) Whether the crime is related to the detective, security, alarm or locksmith profession.

3) Whether more than 10 years have elapsed since the date of completion of imposed sentence.

4) Whether the conviction was from a city ordinance violation or conviction for which a jail sentence was not imposed.

5) Whether the applicant has been sufficiently rehabilitated to warrant the public trust. The Division shall consider, but not be bound by, the following in considering whether an applicant has been presumed to be rehabilitated:

A) Completion of probation;

B) Completion of parole supervision; or

C) If no parole was granted, a period of 10 years has elapsed after final discharge or release from any term of imprisonment without any subsequent conviction.

c) If any one of the following factors exists, this outweighs the presumption of rehabilitation as defined in subsection (b)(5):

1) Lack of compliance with terms of punishment (i.e., failure to pay fines or make restitution, violation of the terms of probation or parole);

2) Unwillingness to undergo, or lack of cooperation in, medical or psychiatric treatment/counseling;

3) Falsification of an application for registration with the Division;

4) Failure to furnish to the Division additional information or failure to appear for a conference with the Division in relation to the applicant's application for registration.

d) The following criminal history records shall not be considered in connection with an application for registration:

1) Juvenile adjudications;

2) Records of arrest not followed by a conviction;

3) Convictions overturned by a higher court;

4) Convictions that have been the subject of a pardon or expungement.

e) If determination is made that the applicant is unfit for registration, the applicant shall be notified in writing that the Division intends to deny or intends to refuse to renew the permanent employee registration card or firearm control card. The applicant/licensee shall be given an opportunity to appear at a Division conference regarding the matter. Failure to appear at the conference shall result in the denial or the refusal to renew an applicant's permanent employee registration card or firearm control card. If the applicant chooses not to attend the conference, he/she may request a formal hearing regarding the determination prior to final action by the Division in accordance with 68 Ill. Adm. Code 1110.

(Source: Amended at 36 Ill. Reg. 9938, effective July 13, 2012)