

# HB3682



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3682

by Rep. Brandon W. Phelps

### SYNOPSIS AS INTRODUCED:

430 ILCS 66/20

Amends the Firearm Concealed Carry Act. Provides that the Concealed Carry Licensing Review Board shall have no more than an additional 30 days for a total of 60 days to issue a decision, and upon expiration of the additional 30 days, the application shall be returned for normal processing absent a valid reason for denial as provided in the Act.

LRB100 05486 SLF 15497 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 20 as follows:

6 (430 ILCS 66/20)

7 Sec. 20. Concealed Carry Licensing Review Board.

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

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

22 (2) 2 commissioners with at least 5 years of experience  
23 serving as an attorney with the United States Department of

1 Justice;

2 (3) 3 commissioners with at least 5 years of experience  
3 as a federal agent or employee with investigative  
4 experience or duties related to criminal justice under the  
5 United States Department of Justice, Drug Enforcement  
6 Administration, Department of Homeland Security, or  
7 Federal Bureau of Investigation; and

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

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

24 (c) The Board shall meet at the call of the chairperson as  
25 often as necessary to consider objections to applications for a  
26 license under this Act. If necessary to ensure the

1 participation of a commissioner, the Board shall allow a  
2 commissioner to participate in a Board meeting by electronic  
3 communication. Any commissioner participating electronically  
4 shall be deemed present for purposes of establishing a quorum  
5 and voting.

6 (d) The Board shall adopt rules for the review of  
7 objections and the conduct of hearings. The Board shall  
8 maintain a record of its decisions and all materials considered  
9 in making its decisions. All Board decisions and voting records  
10 shall be kept confidential and all materials considered by the  
11 Board shall be exempt from inspection except upon order of a  
12 court.

13 (e) In considering an objection of a law enforcement agency  
14 or the Department, the Board shall review the materials  
15 received with the objection from the law enforcement agency or  
16 the Department. By a vote of at least 4 commissioners, the  
17 Board may request additional information from the law  
18 enforcement agency, Department, or the applicant, or the  
19 testimony of the law enforcement agency, Department, or the  
20 applicant. The Board may require that the applicant submit  
21 electronic fingerprints to the Department for an updated  
22 background check where the Board determines it lacks sufficient  
23 information to determine eligibility. The Board may only  
24 consider information submitted by the Department, a law  
25 enforcement agency, or the applicant. The Board shall review  
26 each objection and determine by a majority of commissioners

1 whether an applicant is eligible for a license.

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

5 (1) the Board requests information from the applicant,  
6 including but not limited to electronic fingerprints to be  
7 submitted to the Department, in accordance with subsection  
8 (e) of this Section, in which case the Board shall make a  
9 decision within 30 days of receipt of the required  
10 information from the applicant;

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

13 (3) the Board notifies the applicant and the Department  
14 that the Board needs an additional 30 days to issue a  
15 decision.

16 After expiration of the additional 30 days under paragraph  
17 (3) of this subsection, the Board shall have no more than an  
18 additional 30 days for a total of 60 days to issue a decision,  
19 and upon expiration of the additional 30 days, the application  
20 shall be returned for normal processing absent a valid reason  
21 for denial as provided in subsection (d) of Section 15 of this  
22 Act.

23 (g) If the Board determines by a preponderance of the  
24 evidence that the applicant poses a danger to himself or  
25 herself or others, or is a threat to public safety, then the  
26 Board shall affirm the objection of the law enforcement agency

1 or the Department and shall notify the Department that the  
2 applicant is ineligible for a license. If the Board does not  
3 determine by a preponderance of the evidence that the applicant  
4 poses a danger to himself or herself or others, or is a threat  
5 to public safety, then the Board shall notify the Department  
6 that the applicant is eligible for a license.

7 (h) Meetings of the Board shall not be subject to the Open  
8 Meetings Act and records of the Board shall not be subject to  
9 the Freedom of Information Act.

10 (i) The Board shall report monthly to the Governor and the  
11 General Assembly on the number of objections received and  
12 provide details of the circumstances in which the Board has  
13 determined to deny licensure based on law enforcement or  
14 Department objections under Section 15 of this Act. The report  
15 shall not contain any identifying information about the  
16 applicants.

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