

FIREARM PROHIBITORS AND RECORDS IMPROVEMENT TASK FORCE 2022 REPORT

A REPORT TO THE ILLINOIS GOVERNOR
AND GENERAL ASSEMBLY

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TASK FORCE MEMBERSHIP

Firearm Prohibitors And Records Improvement Task Force Members include:

Executive Director of the Illinois Criminal Justice Information Authority, who shall serve as Chair:

Delrice Adams

Director of the Illinois State Police, or his or her designee:

Isaiah Vega

Secretary of Human Services, or his or her designee:

Sharon Coleman

Director of Corrections, or his or her designee:

Sharon Shipinski, Zachary Sarver

Attorney General, or his or her designee:

Caitlyn McEllis

Director of the Administrative Office of the Illinois Courts, or his or her designee:

Amy Bowne

A representative of an association representing circuit clerks appointed by the President of the Senate:

Vacant

A representative of an association representing sheriffs appointed by the House Minority Leader:

Jim Kaitschuk, Illinois Sheriff's Association

A representative of an association representing State's Attorneys appointed by the House Minority Leader:

Robert Berlin, Illinois State's Attorney's Association

A representative of an association representing chiefs of police appointed by the Senate Minority Leader:

James Keegan, Illinois Association of Chiefs of Police

A representative of an association representing hospitals appointed by the Speaker of the House of Representatives:

Elizabeth Nelson, Illinois Health and Hospital Association

A representative of an association representing counties appointed by the President of the Senate:

Vacant

A representative of an association representing municipalities appointed by the Speaker of the House of Representatives.

Mayor Reggie Freeman, Illinois Municipal League

INTRODUCTION

In 2022, Public Act 102-0237¹ created the Firearm Prohibitors and Records Improvement Task Force. The task force is charged with identifying gaps in firearm prohibitor data collection and reporting as well as identifying all available funds that may be applied for and used by entities responsible for reporting federal and State firearms prohibitors to the Illinois State Police (ISP) and the National Instant Criminal Background Check System (NICS). Firearm prohibitors are factors which prohibit the transfer or possession of a firearm, firearm ammunition, a Firearm Owner's Identification (FOID) card, or a concealed carry license.

The task force is required to detect reporting gaps between entities required to report firearm prohibitors to the ISP. According to the FOID Act, these entities include hospitals, law enforcement, courts, and corrections. The task force is required to assess all forms of statutorily mandated firearm and gun violence data collection from these entities and indicate where improvements can be made. The task force will culminate in a collaborative grant application between the members and the Illinois Criminal Justice Information Authority (ICJIA) to secure federal funds for programming to ensure firearm prohibitor reporting is accurate and reliable and can be linked across the criminal justice system.

The task force met May 18, 2022, from 10:30 a.m. to 12:00 p.m. Eight of 12 invited members attended the meeting. ISP Col. Isaiah Vega shared information on the department's recent improvements on technology, policy, and procedures related to firearms. He said Law Enforcement Agencies Data System (LEADS) modernization will help law enforcement personnel more efficiently and easily obtain information needed on protective orders, such as no contact or firearm restraining orders. Law enforcement agency portal improvements also allow officers to sort and review lists of individuals with revoked FOID cards. ISP also developed a publicly accessible stolen firearm database for reference prior to person-to-person sales or transfers.

A second meeting occurred on June 16th. ICJIA Executive Director Delrice Adams spoke briefly on the requirements for this report and described the grant opportunities that will be pursued by the group in the future.

This report provides background on firearm laws and restrictions in Illinois and outlines the future work of the task force, including identifying funding opportunities to support its goals and initiatives.

¹ 20 ILCS 3930/7.9. See Appendix for the full text of the Act.

BACKGROUND

Firearm Records

State laws governing retention of firearm sales records generally fall into two categories:

- Laws requiring sellers to retain sales records for a specified time period.
- Laws requiring firearms sales reporting to law enforcement.

In addition, Illinois keeps records on those unauthorized to possess a firearm or hold a FOID card or concealed carry license.

Illinois Firearm Laws and Restrictions

FOID Card

Individuals must possess a valid, ISP-issued FOID card to legally possess a firearm or ammunition in Illinois.¹ Illinois residents may apply for a FOID card online or by mail. Applicants under the age of 21 need the written permission of a parent or legal guardian to apply. The application requires a valid driver's license or state identification card, a criminal history questionnaire, and a passport-sized photo. A FOID card costs \$10 and is valid for 10 years.²

Illinois law authorizes ISP to deny FOID cards and firearm possession from certain individuals, including, but not limited to:

- A person convicted of a felony under Illinois law or any other jurisdiction.
- A person convicted of domestic battery, aggravated domestic battery, a violation of a protection order, or a similar offense where a firearm was used or possessed.
- A person subject to a firearm-prohibiting court order.
- A person with a narcotics addiction.
- A person who was a patient of a mental health facility in the past five years or who was a patient in a mental health facility more than five years prior and had not received a mental health evaluation certifying they are not a clear and present danger to themselves or others.
- A person with a mental condition that is found to pose a clear and present danger to themselves or others as evidenced by serious threats of violence or threatening physical or verbal behavior.
- A person adjudicated as mentally, intellectually, or developmentally disabled as defined by Illinois law.
- A person under 21 years of age convicted of a misdemeanor or adjudged delinquent, other than for a traffic offense; is not an active duty member of the Armed Forces; does not have written consent from a parent or guardian, or the parent or guardian does not qualify for a FOID card; or is 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.³

In August 2021, Gov. JB Pritzker signed a FOID card modernization bill to provide additional avenues to confirm a firearms transfer is not prohibited and provide mental health services in

communities most affected by gun violence. The legislation will continue to improve FOID card applicant identification through voluntary fingerprint submission as well as create an electronic FOID card record system.⁴

Concealed Carry Licenses

Illinois law also authorizes concealed carry licenses.⁵ These licenses are valid for five years at a cost of \$150 for Illinois residents and \$300 for out-of-state residents. A person applying for a concealed carry license must have a valid FOID card and take a 16-hour concealed carry class costing \$175 to \$190. Concealed carry license requirements are similar to those needed to obtain a FOID card. Applicants must be at least 21 years old, plus the following:

- Not been convicted or found guilty in Illinois or any other state for a misdemeanor involving the use or threat of physical force or violence to any person within the last five years.
- Not being the subject of a pending arrest warrant, prosecution, or proceeding for an offense or action that could lead to disqualification.
- Not having two or more violations related to driving while under the influence of drugs or alcohol within the last five years.
- Not participating in residential or court-ordered treatment for alcoholism, alcohol detoxification, or drug treatment within the last five years.
- Successfully completing 16 hours of firearms training, including classroom and range instruction.⁶

Concealed weapons are prohibited in many areas including, but not limited to, schools, pre-schools, child care facilities, state and local government property, adult and juvenile detention centers, hospitals, mental health facilities, nursing homes, public transportation and buildings, bars, public gatherings, city parks, museums, public and private universities and colleges, college and professional sports facilities, libraries, and airports. Additionally, any owner of private property can disallow concealed weapons with specific signage indicating that firearms are prohibited.⁷

FUTURE GRANT OPPORTUNITIES TO EXPLORE

The Act specifies the task force shall submit a coordinated application with and through ICJIA for federal funds. The following describes potential grant opportunities to improve data collection and reporting requirements.

National Instant Criminal Background Check System Act Record Improvement Program²

Following the 2007 mass shooting at Virginia Tech, it was discovered that the shooter was able to legally purchase a firearm despite a previous mental health history which was unavailable to the NICS. In response, the U.S. Bureau of Justice Statistics developed the NICS Act Record Improvement Program (NARIP) to provide funding to address information gaps in NICS on mental health adjudications, commitments, and other characteristics that would preclude an individual from purchasing a firearm. NARIP aims to improve completeness, automation, and records transmittal to NICS systems. In federal fiscal year 2021, NARIP made about \$25 million available to agencies across the nation.

National Criminal History Improvement Program³

In 1995, the U.S. Bureau of Justice Statistics developed the National Criminal History Improvement Program (NCHIP) to improve criminal history record accessibility and accuracy. To ensure high-quality and complete records, several facets of the criminal justice system—police, prosecutors, courts, corrections—must be tightly integrated. NCHIP funds are intended to ensure necessary infrastructure is in place to support integration. NCHIP funds also support record systems management training and technical assistance. NCHIP also supports evaluation efforts to measure progress on system improvements and linkages. In federal fiscal year 2021, approximately \$53 million in funds were available for these efforts.

² See <https://bjs.ojp.gov/programs/nics-improvement-amendments-act#:~:text=The%20National%20Instant%20Criminal%20Background,shooting%20tragedy%20at%20Virginia%20Tech.>

³ See <https://bjs.ojp.gov/programs/national-criminal-history-improvement-program>

NEXT STEPS FOR THE TASK FORCE

This task force will identify potential gaps in reporting firearms prohibitors and explore recommendation(s) to enhance reporting of records corresponding to firearms prohibitors.

Specific next steps include:

- Inventory statutorily mandated firearm and gun violence related data collection and reporting requirements, along with the agency responsible for collecting that data, and identify gaps in those requirements.
- Identify the current reporting mechanism(s) available for:
 - Clear and Present Danger (C&P) reporting.
 - Firearm restraining order submissions.
 - Mental health reporting.
 - Concealed carry law enforcement objections.
 - Protection orders submissions.
- Identify the most common prohibitors used by the ISP Firearms Services Bureau to deny or revoke FOID applications to determine whether gaps exist in reporting or acquisition of disposition records for those who should be prohibited from firearms, such as:
 - Persons with convictions for crimes punishable by more than one year.
 - Persons with mental health-related events (including C&Ps).
 - Persons subjected to Protective Orders or otherwise prohibited (e.g. Misdemeanor Crime of Domestic Violence, Firearm Restraining Order).
- Identify and research available grants, resources, and revenue to support entities responsible for reporting federal and state firearm prohibitors.
 - NARIP.
 - NCHIP.
- Survey task force members to better understand and address possible weaknesses, barriers, or gaps in timely reporting.
 - Review needs and identify potential areas of improvement for updating records and incorporate them into grant application.
 - Solicit input regarding possible deficiencies or pain points in policy, procedure, or technology that could be improved or enhanced.
- Identify and reference relevant projects already completed, underway, or pending by task force member agencies.
 - Determine and highlight how improvements impact the reporting enhancement effort.

APPENDIX

(20 ILCS 3930/7.9)

(Section scheduled to be repealed on July 1, 2027)

Sec. 7.9. Firearm Prohibitors and Records Improvement Task Force.

(a) As used in this Section, "firearms prohibitor" means any factor listed in Section 4 of the Firearm Owners Identification Card Act or Section 24-3 or 24-3.1 of the Criminal Code of 2012 that prohibits a person from transferring or possessing a firearm, firearm ammunition, Firearm Owner's Identification Card, or concealed carry license.

(b) The Firearm Prohibitors and Records Improvement Task Force is created to identify and research all available grants, resources, and revenue that may be applied for and used by all entities responsible for reporting federal and State firearm prohibitors to the Illinois State Police and the National Instant Criminal Background Check System. Under the Firearm Owners Identification Card Act, these reporting entities include, but are not limited to, hospitals, courts, law enforcement and corrections. The Task Force shall identify weaknesses in reporting and recommend a strategy to direct resources and revenue to ensuring reporting is reliable, accurate, and timely. The Task Force shall inventory all statutorily mandated firearm and gun violence related data collection and reporting requirements, along with the agency responsible for collecting that data, and identify gaps in those requirements. The Task Force shall submit a coordinated application with and through the Illinois Criminal Justice Information Authority for federal funds from the National Criminal History Improvement Program and the NICS Acts Record Improvement Program. The Firearm Prohibitors and Records Improvement Task Force shall be comprised of the following members, all of whom shall serve without compensation:

- (1) the Executive Director of the Illinois Criminal Justice Information Authority, who shall serve as Chair;
- (2) the Director of the Illinois State Police, or his or her designee;
- (3) the Secretary of Human Services, or his or her designee;
- (4) the Director of Corrections, or his or her designee;
- (5) the Attorney General, or his or her designee;
- (6) the Director of the Administrative Office of the Illinois Courts, or his or her designee;
- (7) a representative of an association representing circuit clerks appointed by the President of the Senate;
- (8) a representative of an association representing sheriffs appointed by the House Minority Leader;
- (9) a representative of an association representing State's Attorneys appointed by the House Minority Leader;
- (10) a representative of an association representing chiefs of police appointed by the Senate Minority Leader;
- (11) a representative of an association representing hospitals appointed by the Speaker of the House of Representatives;
- (12) a representative of an association representing counties appointed by the President of the Senate; and
- (13) a representative of an association representing municipalities appointed by the Speaker of the House of Representatives.

(c) The Illinois Criminal Justice Information Authority shall provide administrative and other support to the Task Force. The Illinois State Police Division of Justice Services shall also provide support to the Illinois Criminal Justice Information Authority and the Task Force.

(d) The Task Force may meet in person or virtually and shall issue a written report of its findings and recommendations to General Assembly on or before July 1, 2022. The Task Force shall issue an annual report, which shall include information on the state of FOID data, including a review of previous activity by the Task Force to close previously identified gaps; identifying known (or new) gaps; a proposal of policy and practice recommendations to close those gaps; and a preview of expected activities of the Task Force for the coming year.

(e) Within 60 days of the effective date of this amendatory Act of the 102nd General Assembly, the Chair shall establish the Task Force.

(f) This Section is repealed on July 1, 2027.

(Source: P.A. 102-237, eff. 1-1-22.)

¹ Illinois General Assembly. (n.d.) *Illinois Compiled Statutes, Public Safety 430 ILCS 65 Firearm Owners Identification Card Act.*

<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1657&ChapterID=39>

² Illinois State Police Firearm Services Bureau. (n.d.) *FOID frequently asked questions.*

<https://www.ispfsb.com/Public/Faq.aspx>

³ Illinois General Assembly. (n.d.) *Illinois Compiled Statutes, Public Safety 430 ILCS 65 Firearm Owners Identification Card Act.*

<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1657&ChapterID=39>

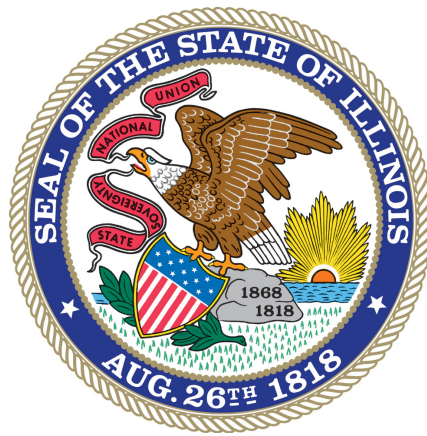
⁴ Public Act 102-0237. (2022). <https://www.ilga.gov/legislation/publicacts/102/102-0237.htm>

⁵ Donohue, J. J. (2003). The impact of concealed-carry laws. *Evaluating Gun Policy*, 287-324.

⁶ Illinois General Assembly. (n.d.). *Illinois Compiled Statutes, Public Safety 430 ILCS 66/25 Firearm Concealed Carry Act.* <https://www.ilga.gov/legislation/ilcs/documents/043000660K25.htm>

⁷ Illinois Senate Republican Caucus. (n.d.). *Illinois concealed carry (P.A. 98-0063).*

<http://senategop.state.il.us/Resources/f7f62e1b-2feb-42cf-a1cb-2bafb939b991/14%20Concealed%20Carry%20v4.pdf>



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