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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

ILLINOIS REGISTER PUBLICATION SCHEDULE FOR 2013

Issue#	Rules Due Date	Date of Issue
1	December 26, 2012	January 4, 2013
2	December 31, 2012	January 11, 2013
3	January 7, 2013	January 18, 2013
4	January 14, 2013	January 25, 2013
5	January 22, 2013	February 1, 2013
6	January 28, 2013	February 8, 2013
7	February 4, 2013	February 15, 2013
8	February 11, 2013	February 22, 2013
9	February 19, 2013	March 1, 2013
10	February 25, 2013	March 8, 2013
11	March 4, 2013	March 15, 2013
12	March 11, 2013	March 22, 2013
13	March 18, 2013	March 29, 2013
14	March 25, 2013	April 5, 2013
15	April 1, 2013	April 12, 2013
16	April 8, 2013	April 19, 2013
17	April 15, 2013	April 26, 2013
18	April 22, 2013	May 3, 2013
19	April 29, 2013	May 10, 2013
20	May 6, 2013	May 17, 2013

21	May 13, 2013	May 24, 2013
22	May 20, 2013	May 31, 2013
23	May 28, 2013	June 7, 2013
24	June 3, 2013	June 14, 2013
25	June 10, 2013	June 21, 2013
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27	June 24, 2013	July 5, 2013
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39	September 16, 2013	September 27, 2013
40	September 23, 2013	October 4, 2013
41	September 30, 2013	October 11, 2013
42	October 7, 2013	October 18, 2013
43	October 15, 2013	October 25, 2013
44	October 21, 2013	November 1, 2013
45	October 28, 2013	November 8, 2013
46	November 4, 2013	November 15, 2013
47	November 12, 2013	November 22, 2013
48	November 18, 2013	December 2, 2013
49	November 25, 2013	December 6, 2013
50	December 2, 2013	December 13, 2013
51	December 9, 2013	December 20, 2013
52	December 16, 2013	December 27, 2013

Editor's Note: The Secretary of State Index Department is providing this opportunity to remind you that the next filing period for your Regulatory Agenda will occur from October 15, 2013 to January 2, 2014.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Firearm Owner's Identification Card Act
- 2) Code Citation: 20 Ill. Adm. Code 1230
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1230.10	Amend
1230.20	Amend
1230.30	Amend
1230.40	Amend
1230.50	Amend
1230.60	Amend
1230.70	Amend
1230.80	Repeal
1230.90	Repeal
1230.100	Repeal
1230.120	New
- 4) Statutory Authority: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-120]
- 5) A Complete Description of the Subjects and Issues Involved: The proposed amendments will update procedures associated with FOID card matters including the application process, expiration of cards, surrender and return of revoked cards, appeal process for revoked or denied cards, and methods for clear and present danger reporting. In addition, sections pertaining to judicial review, certification, and reduction of remittance are being repealed.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objective: The amendments will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed amendment. The submissions must be in writing and directed to:
- | | | |
|---|----|---|
| Ms. Suzanne L. Y. Bond
Chief Legal Counsel
Illinois State Police
801 South 7 th Street, Suite 1000-S
Springfield, Illinois 62703

217/782-7658 | or | Ms. Lisa Freitag
Rules Coordinator
Illinois State Police
801 South 7 th Street, Suite 1000-S
Springfield, Illinois 62703

217/782-9356 |
|---|----|---|
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Physicians, clinical psychologists, law enforcement officials, and school administrators.
- B) Reporting, bookkeeping or other procedures required for compliance: Physicians, clinical psychologists, qualified examiners, law enforcement officials, and school administrators must report clear and present danger determinations to the Department of Human Services or the Illinois State Police.
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: January 2013

The full text of the Proposed Rulemaking begins on the next page:

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1230
FIREARM OWNER'S IDENTIFICATION CARD ACT

Section

1230.10	Definitions
1230.20	Application Procedures
1230.30	Duration and Renewal of Identification Card
1230.40	Sponsorship of a Minor
1230.50	Return of FOID Card – Applicant Denial of Application or Revocation and Seizure of Identification Card
1230.60	Return of Revoked FOID Card – Other Notification of Grounds for Denial of Application and Revocation and Seizure of Identification Card
1230.70	Appeal
1230.80	Judicial Review (Repealed)
1230.90	Certification (Repealed)
1230.100	Reduction of Remittance (Repealed)
1230.110	Retention of Remittance
<u>1230.120</u>	<u>Clear and Present Danger Reporting</u>
1230.EXHIBIT A	Application for Firearm Owner's Identification Card (Form FOID-1.2) (Repealed)
1230.EXHIBIT B	Certification (Repealed)

AUTHORITY: Implementing and authorized by the Firearm Owner's Identification Card Act [430 ILCS 65] and authorized by Section 2605-120 of the Civil Administrative Code of Illinois [20 ILCS 2605/2605-120].

SOURCE: Filed March 8, 1973; codified at 7 Ill. Reg. 9557; amended at 8 Ill. Reg. 21306, effective October 10, 1984; recodified from the Department of Law Enforcement to the Department of State Police at 10 Ill. Reg. 3279; amended at 17 Ill. Reg. 18856, effective October 18, 1993; amended at 22 Ill. Reg. 16629, effective September 8, 1998; amended at 27 Ill. Reg. 10308, effective June 26, 2003; amended at 37 Ill. Reg. _____, effective _____.

Section 1230.10 Definitions

Terms defined in the Firearm Owner's Identification Card Act [430 ILCS 65/1.1] have the same meanings when used in this Part. The As used in this Part, the following additional definitions

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also apply to this Part unless the context clearly requires a different meaning:

"Act" means Firearm Owner's Identification Card Act [430 ILCS 65].

"Antique firearm" ~~means~~ shall have the meaning ascribed to it in 18 USC 921(a)(16), i.e.:

any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898; or

any replica of any firearm described in the previous paragraph if the replica:

is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or

any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol that is designed to use black powder or a black powder substitute and that cannot use fixed ammunition.

The term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle loading weapon, or any muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination of these means, for the purpose of 430 ILCS 65/1.1(4), any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898, provided it is not likely to be used as a weapon.

"Applicant" means a person who has submitted a completed application ~~an applicant~~ for a Firearm Owner's Identification Card.

"Criminal Justice System Employee" includes law enforcement officials, courts, State's Attorneys, probation officers, parole officers, and federal law enforcement officials.

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"Department" means the Department of State Police.

"Director" means the Director of State Police or his or her designee.

~~"Firearm" and "firearm ammunition" mean the terms as defined in Section 1.1 of the Act.~~

~~"FOID Card" means the "Firearm Owner's Identification Card" means the term as defined in Section 6 of the Act.~~

~~"Law enforcement officer" shall have the meaning attributed to it in Section 2 of the Illinois Police Training Act [50 ILCS 705/2].~~

"Law enforcement official" means any peace officer, warden, superintendent, or keeper of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a criminal offense, and employees of police laboratories having a department or section of forensic firearm identification.

~~"Mental institution" means any medical facility or part of any medical facility used primarily for the care or treatment of persons for mental illness.~~

~~"Mentally retarded" means a person who has significantly subaverage general intellectual functioning which exists concurrently with impairment in adaptive behavior and which originates before the age of 18 years.~~

~~"Out-of-state resident" means a person who does not qualify for an Illinois driver's license or an Illinois State identification card due to his or her establishment of a primary domicile in another state.~~

~~"Valid" means current and not suspended, revoked, expired, cancelled, invalidated, denied or disqualified.~~

~~"Narcotics" means any substance controlled by the Controlled Substances Act.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1230.20 Application Procedures

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- a) Application for a Firearm Owner's Identification Card shall be made by completing an application form provided by the Department. These forms will be made available through the Department's official website (www.isp.state.il.us/foid/foidapp.cfm) and at other locations determined by the Department.
- b) All application forms must be completed accurately and in their entirety, accompanied by the correct fee and a photograph, and submitted as indicated on the application form.
- c) Any application form that is not completed accurately and in its entirety, including the correct fee and a photograph, will be denied.
- d) Except as provided in subsection (e), any requirement for an Illinois driver's license number or Illinois identification card number shall mean a valid Illinois driver's license number or valid Illinois identification card number. A temporary visitor's driver's license (TVDL) will not be accepted.
- e) In regard to an applicant who is employed as a law enforcement officer, an armed security officer in Illinois or by the United States military permanently assigned in Illinois and who is not an Illinois resident, any requirement for a driver's license number or State identification card number shall mean the valid driver's license number or valid state identification card number from his or her state of residence.
- f) In regard to an applicant who is employed by the United States military permanently assigned in Illinois, the applicant shall also provide valid military identification and assignment orders establishing permanent assignment in Illinois.
- g) In regard to an applicant who is applying under a non-immigrant visa exception, the applicant shall provide a letter from his or her foreign government stating the purpose for travel to Illinois and the date the applicant's non-immigrant visa expires. The applicant shall also explain the need for the FOID card or a waiver from this Part granted by the U.S. Attorney General.
- h) The Department shall deny a FOID application of any applicant who is prohibited under federal law from possessing or receiving a firearm.

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- i) ~~All FOID Cards issued shall remain the property of the Department. Application for a Firearm Owner's Identification Card will be made by completing an application form provided by the Department. These forms will be made available through the Firearms Services Bureau, P.O. Box 3677, Springfield, Illinois 62708-3677. All forms must be properly completed, accompanied by the correct fee and a photograph, and mailed to the address indicated on the application form. Other than in regard to an applicant who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, any requirement for a driver's license and any requirement for a driver's license number shall mean an Illinois driver's license and an Illinois driver's license number. In regard to an applicant who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, any requirement for a driver's license and any requirement for a driver's license number shall mean his or her driver's license number or state identification card number from his or her state of residence. All Firearm Owner's Identification Cards issued shall remain the property of the Department.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1230.30 Duration and Renewal of Identification Card

A ~~FOID Firearm Owner's Identification~~ Card shall expire ~~10~~five years from the date of issuance. The first day of the month in which the related Firearm Owner's Identification Card Application was received is designated as the date of issuance for purposes of this Part. The Department shall, at least ~~60~~30 days prior to the expiration of a ~~FOID Firearm Owner's Identification~~ Card, forward to the last known address of each person whose ~~FOID Firearm Owner's Identification~~ Card is to expire a notification of the expiration and an application ~~that~~which may be used to apply for renewal. It is the registrant's responsibility to notify the Department in writing of the registrant's change of address.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1230.40 Sponsorship of a Minor

- a) Every applicant for a ~~FOID Firearm Owner's Identification~~ Card, under the age of 21, shall have the written consent of his/her parent or legal guardian to possess and acquire firearms and firearm ammunition, prior to issuance of a ~~FOID Firearm~~

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~~Owner's Identification~~ Card. If the consent is given by a legal guardian, a certified copy of the guardianship court order must be submitted with the application. ~~The applicant cannot have been adjudged delinquent or convicted of a misdemeanor other than a traffic offense.~~ The parent or legal guardian must file an affidavit with the Department, as prescribed by the Department, stating that the parent/guardian ~~he/she~~ is not an individual prohibited from having a ~~FOID~~ Firearm ~~Owner's Identification~~ Card.

- b) The applicant under age 21 will not be granted a FOID Card if he or she is prohibited from having a FOID Card by State or federal law.
- c) If the minor is not physically capable of signing the application because of age, disability or other cause, the parent or legal guardian must submit a copy of the minor's birth certificate.

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1230.50 Return of FOID Card – Applicant~~Denial of Application or Revocation and Seizure of Identification Card~~

Individuals whose cards have been revoked shall surrender their FOID cards and complete the Firearm Disposition Record required by Section 9.5 of the Act. A copy of the required Firearm Disposition Record can be found on the Illinois State Police website at www.isp.state.il.us within the FOID section or at the local law enforcement agency where the individual resides. Individuals whose FOID cards were confiscated by law enforcement or the courts must submit documentation of the confiscation with the Firearm Disposition Record.~~The Department will deny an application for or revoke and seize a Firearm Owner's Identification Card if the Department finds that the applicant or the person to whom such a Firearm Owner's Identification Card was issued is or was at the time of issuance prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois state statute or by federal law or does not otherwise qualify under Illinois statute to possess a Firearm Owner's Identification Card. Any card seized, revoked, or otherwise inappropriately possessed shall be returned to the Department of State Police, Firearms Services Bureau.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1230.60 Return of Revoked FOID Card – Other~~Notification of Grounds for Denial of Application and Revocation and Seizure of Identification Card~~

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~~Any criminal justice system employee or firearm or ammunition retailer who takes possession of a revoked FOID card shall return the revoked card to the Illinois State Police, Firearms Services Bureau, within five business days. The Department shall notify, in writing to the last known address, every person whose application for a Firearm Owner's Identification Card is denied and every person whose Firearm Owner's Identification Card is revoked of the specific grounds upon which the application has been denied or the Firearm Owner's Identification Card has been revoked. In those situations for which written notification to the last known address is ineffective or unnecessarily delays revocation, additional alternative means may be used to communicate notification and effectuate revocation. Individuals whose cards have been revoked shall immediately return the revoked card to the Department of State Police, Firearms Services Bureau.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1230.70 Appeal

a) Commitment to a Mental Health Facility; Expedited Relief Law Enforcement Officers

1) An active law enforcement officer employed by a unit of government whose application for a FOID Card is denied or whose FOID Card is revoked because of a commitment to a mental health facility may petition the Department for expedited relief, as long as:

A) the officer did not act in a manner threatening to the officer, another person or the public as determined by the treating clinical psychologist or physician and, as a result of his or her work, is referred by the employer for, or voluntarily seeks, mental health evaluation or treatment;

B) the officer did not receive treatment involuntarily at a mental health facility or has not been voluntarily admitted to a mental health facility for more than 30 days and not for more than one incident within the past five years; and

C) the officer did not leave the mental institution against medical advice. (Section 10(c-5) of the Act)

2) Law enforcement officers who wish to request expedited relief from the

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Department shall initiate such a request by providing written notice of this intention to the Firearms Services Bureau, Appeals Division. The officer must also sign an affidavit provided by the Department certifying that he or she meets the requirements of Section 10(c-5) for expedited relief.

- 3) The petitioner must provide to the Department the following documentation:
 - A) a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances requested by the Department surrounding the admission;
 - B) a letter from the petitioner's employer on official letterhead that provides the current status of employment, job title, any records regarding the revocation of petitioner's FOID card, and the employer's opinion as to the suitability of the petitioner to possess a firearm;
 - C) all documentation regarding the admission, evaluation, treatment and discharge from the treating facility;
 - D) a fitness for duty evaluation completed after discharge;
 - E) written confirmation from the treating licensed clinical psychologist or psychiatrist that includes whether the petitioner acted in a threatening way towards themselves or others, whether the admission was voluntary or involuntary, the length of admission, the times admitted, whether the petitioner was discharged or left against medical advice, whether the petitioner has successfully or unsuccessfully completed treatment, and the treating licensed clinical psychologist's or psychiatrist's opinion regarding the petitioner's ability to possess or use a firearm; and
 - F) any other reasonable documentation requested by the Department related to the determination for granting relief.
- 4) The Director or his or her designee shall grant or deny relief within 30 business days of receipt of all the requested documentation. (Section 10(c-5) of the Act

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5) *If it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest, the Director may grant relief. (Section 10(a) of the Act)*

b) Commitment to a Mental Health Facility

1) An individual whose application for a Firearm Owner's Identification Card is denied or whose Firearm Owner's Identification Card is revoked for a commitment to a mental health facility may petition the Department for relief.

2) Individuals who wish to request relief from the Department shall provide written notice of this intention to the Firearms Services Bureau, Appeals Division.

3) The petitioner must provide to the Department the following documentation:

A) a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances requested by the Department surrounding the admission;

B) two signed, dated and notarized statements from adults who are aware of the circumstances regarding the revocation or denial of the FOID card, detailing their opinion as to the individual's suitability to possess firearms and the individual's current mental state;

C) a current forensic evaluation or letter from a psychiatrist, all psychiatric and counseling records from the past five years, and any and all court records that may apply; and

D) any other reasonable documentation requested by the Department related to the determination for granting relief.

4) *If it is established by a preponderance of the evidence that the person will not be likely to act in a manner dangerous to public safety and that*

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granting relief would not be contrary to the public interest, the Director or his or her designee may grant relief. (Section 10(a) of the Act)

c) Felony Denials; Petition for Relief

- 1) An individual whose application for a *FOID Card* is denied or whose *FOID Card* is revoked because of a felony conviction may petition the Department for relief unless the denial or revocation was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act [720 ILCS 570], the Methamphetamine Control and Community Protection Act [720 ILCS 646], or the Cannabis Control Act [720 ILCS 550] that is classified as a Class 2 or greater felony, or any felony violation of Article 24 (Deadly Weapons) of the Criminal Code of 2012 [720 ILCS 5], or any adjudication as a delinquent minor for the commission of an offense that, if committed by an adult, would be a felony. (Section 10(a) of the Act) For relief from a denial or revocation based on these listed felonies see subsection (d)(1).
- 2) Individuals who wish to request relief from the Department shall provide written notice to the Department to begin the appeal process.
- 3) The petitioner must provide to the Department the following documentation:
 - A) a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances requested by the Department surrounding the felony;
 - B) three signed, dated and notarized statements from adults, one of whom lives with the petitioner, detailing their opinions as to the individual's suitability to possess firearms, as well as their knowledge surrounding the felony; and
 - C) any other reasonable documentation requested by the Department related to the determination for granting relief.
- 4) Upon receiving complete documentation for the appeal, the Department will investigate the circumstances surrounding the denial or revocation action. If the Director is satisfied that substantial justice has not been

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done, the Director or his or her designee may grant relief.

d) Other Denials; Petition for Relief

- 1) An individual whose application for a FOID Card is denied or whose FOID Card is revoked for one or more of the felonies described in subsection (c) may petition in writing the circuit court in the county of his or her residence for a hearing the on denial or revocation. (Section 10(a) of the Act)
- 2) Individuals who wish to request relief from the Department shall provide written notice to the Department to begin the appeal process.
- 3) Out-of-state Residents: If a petitioner wishes to appeal the denial or revocation based on his or her status as an out-of-state resident, the petitioner must provide to the Department documentation requested by the Department, which shall include a copy of a valid driver's license or identification card, proof of residency, and a signed, dated and notarized statement from the petitioner detailing any and all facts and circumstances regarding the status of his or her residency and the need for a FOID Card. The petitioner must also provide any other documentation requested by the Department relating to the determination for granting relief.
- 4) Persons Under 21: If a petitioner wishes to appeal the denial or revocation based on the fact that he or she does not have a parent or legal guardian, the petitioner must provide two signed, dated and notarized personal references regarding his or her suitability to possess firearms and a signed, dated and notarized statement detailing his or her circumstances. If applicable, the petitioner must provide death certificates for his or her parents or legal guardians and/or any applicable court documents regarding the petitioner's circumstances.
- 5) Persons Unable to Provide a Driver's License or State Identification Card: If a petitioner wishes to appeal the denial or revocation based on the fact that he or she cannot provide a driver's license or state identification card other than for eligibility reasons, the petitioner must provide a signed, dated and notarized statement detailing his or her circumstances, including any medical explanations. If the petitioner is medically unable to obtain a driver's license or state identification card, the petitioner must provide a

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physician's statement regarding his or her condition. The petitioner must provide any and all other relevant information requested by the Department, including documentation from the Secretary of State.

- 6) Upon receiving complete documentation for the appeal, the Department will investigate the circumstances surrounding the denial or revocation action. If the Director is satisfied that substantial justice has not been done, the Director or his or her designee may grant relief.
- e) The appeal process will not begin until the Department has received all the necessary documentation.
- f) In the event the Director or his or her designee desires additional information concerning the circumstances surrounding the denial or revocation action, the Director may schedule a fact-finding conference with the petitioner or request additional information.
- g) The Director or his or her designee may grant or deny relief as a result of the fact-finding conference.
- h) At a fact-finding conference, the petitioner may be represented by counsel or present witnesses who have direct knowledge of the circumstances of the denial or revocation and may present any evidence or information relating to the Department's action.
- i) If the Director does not provide relief as a result of the investigation or a fact-finding conference, the petitioner may request an administrative hearing. The request for hearing must be in writing and sent to the Firearms Services Bureau, Appeals Division.
- j) The administrative law judge (ALJ) for contested hearings shall be an attorney licensed to practice law in Illinois appointed by the Director. The ALJ may be disqualified for bias or conflict of interest.
- k) The procedures for the hearing shall be as described in Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the ALJ.
- l) In the event relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial.

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- m) If relief is denied by both the Director and through an administrative hearing, in order to be eligible for a FOID Card once five years have passed since the admission, the applicant must have received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as defined in the Mental Health and Developmental Disabilities Code [405 ILCS 5] and received a certification that he or she is not a clear and present danger to himself or herself or others.
- ~~a) An individual whose application for a Firearm Owner's Identification Card is denied or whose Firearm Owner's Identification Card is revoked may petition the Department for relief unless the denial or revocation was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of either the Illinois Controlled Substances Act or the Cannabis Control Act that is classified as a Class 2 or greater felony, or any felony violation of Article 24 of the Criminal Code of 1961, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial or revocation.~~
- ~~b) Individuals who wish to request relief from the Department shall initiate such a request by providing written notice of this intention to the Department.~~
- ~~c) Upon receiving written notice, the Department shall investigate the circumstances surrounding the denial or revocation action; and if the Director is satisfied that substantial justice has not been done, the Director may grant relief. In the event the Director desires additional information concerning the circumstances surrounding the denial or revocation action, the Director may schedule a fact finding conference with the petitioner.~~
- ~~d) At a fact finding conference, the petitioner may be represented by counsel or any other person and may present any evidence or information relating to the Department's action.~~
- ~~e) The Director may provide relief as a result of the fact finding conference.~~
- ~~f) If the Director does not provide relief as a result of the investigation or a fact finding conference, the petitioner may petition for a hearing.~~
- ~~g) The administrative law judge for contested hearings shall be the Director or an~~

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~~attorney licensed to practice law in Illinois appointed by the Director. The administrative law judge may be disqualified for bias or conflict of interest.~~

- ~~h) The procedures for the hearing shall be as described in Article 10 of the Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the administrative law judge.~~
- ~~i) In the event relief is denied, a new application from the petitioner will not be accepted until two years have passed since the date of the last denial.~~

(Source: Amended at 37 Ill. Reg. _____, effective _____)

Section 1230.80 Judicial Review (Repealed)

~~All final decisions of the Department under this Act are subject to judicial review under the provisions of the Administrative Review Law (Ill. Rev. Stat. 1991, ch. 110, par. 3-101 through 112) [735 ILCS 5/3-101 through 112].~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 1230.90 Certification (Repealed)

~~At the time of acquisition of a firearm or firearm ammunition to be used by a law enforcement official in the performance of official duties, the law enforcement official may present a certified letter from the chief administrator or his designee of the employing law enforcement agency to the seller of the firearm or firearm ammunition in lieu of a Firearm Owner's Identification Card. This letter must contain the following information:~~

- ~~a) A statement that the officer is a law enforcement officer;~~
- ~~b) A statement that the firearm or firearm ammunition described is intended for use in the performance of official law enforcement duties;~~
- ~~c) The acquiring officer's signature and star, badge, or other numeric identifier;~~
- ~~d) A description of the firearm and firearm ammunition to be acquired;~~
- ~~e) The date, title/rank, and signature of the chief administrator or his designee;~~

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- f) ~~The name and address of the law enforcement agency; and~~
- g) ~~A statement limiting the validity of the certification to 60 days from the date of issuance.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 1230.100 Reduction of Remittance (Repealed)

- a) ~~The Department may reduce by interlineation the amount of any check.~~
- b) ~~The drawer of the check shall be notified in writing of such reduction.~~
- e) ~~Any check reduced pursuant to subsection (a) shall be endorsed in a manner that shall reflect the reduction.~~
- d) ~~All applications upon reprinting shall contain the following authorization statement: "My signature authorizes the Department to reduce the amount of my personal check if the amount submitted is not correct. I understand this will be done only if the amount submitted is greater than the required fee.~~

(Source: Repealed at 37 Ill. Reg. _____, effective _____)

Section 1230.120 Clear and Present Danger Reporting

- a) Physicians, clinical psychologists and qualified examiners shall report determinations of a clear and present danger to the Department by making notification to the Department of Human Services in the form and manner prescribed at Section 6-103.3 of the Mental Health and Developmental Disabilities Code [405 ILCS 5].
- b) Law enforcement officials and school administrators shall report determinations of a clear and present danger directly to the Department. The Department shall make a form and instruction for the reporting available to law enforcement officials and school administrators on its website.
- c) The Department shall make the final determination regarding whether a clear and present danger exists for purposes of revoking a FOID card pursuant to Section 8(f) of the Act.

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(Source: Added at 37 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Firearm Concealed Carry Act Procedures
- 2) Code Citation: 20 Ill. Adm. Code 1231
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1231.10	New
1231.20	New
1231.30	New
1231.40	New
1231.50	New
1231.60	New
1231.70	New
1231.80	New
1231.90	New
1231.100	New
1231.110	New
1231.120	New
1231.130	New
1231.140	New
1231.150	New
1231.160	New
- 4) Statutory Authority: Implementing and authorized by the Firearm Concealed Carry Act [430 ILCS 66/95]
- 5) A Complete Description of the Subjects and Issues Involved: The purpose of this Part is to provide procedures for implementing the Firearm Concealed Carry Act, including the instructor application process, training curriculum requirements, concealed carry license applicant qualifications, fees, signage for prohibited areas, and law enforcement fingerprinting registration.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? Yes
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Do this rulemaking contain incorporations by reference? No

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- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objective: This Part will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Within 45 days after the publication of this Notice, any interested person may submit comments, data, views or argument regarding the proposed rules. The submissions must be in writing and directed to:
- | | | |
|--|----|--|
| Ms. Suzanne L. Y. Bond | or | Lisa Freitag |
| Chief Legal Counsel | | Rules Coordinator |
| Illinois State Police | | Illinois State Police |
| 801 South 7 th Street, Suite 1000-S | | 801 South 7 th Street, Suite 1000-S |
| Springfield, Illinois 62703 | | Springfield, Illinois 62703 |
| 217/782-7658 | | 217/782-9356 |
- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not-for-profit corporations affected: Small business and municipalities may be eligible to participate in the fingerprinting processes and training components covered by these rules; however, those participating should not need to expend additional local revenues for participation.
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent agendas because: The proposed rule is needed in order to comply with 430 ILCS 66 which did not become effective until July 9, 2013.

The full text of the proposed rule begins on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICEPART 1231
FIREARM CONCEALED CARRY ACT PROCEDURES

Section

1231.10	Definitions
1231.20	Instructor Approval
1231.30	Instructor Approval Revocation
1231.40	Curriculum Approval
1231.50	Training Certification
1231.60	Issuance of License
1231.70	Objections
1231.80	Review Board
1231.90	Qualifications for License
1231.100	Application
1231.110	Non-Resident Application
1231.120	Renewal
1231.130	Change Requests
1231.140	Fees
1231.150	Prohibited Areas
1231.160	Law Enforcement Fingerprinting Registration

AUTHORITY: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

SOURCE: Adopted at 37 Ill. Reg. _____, effective _____.

Section 1231.10 Definitions

"Act" means the Firearms Concealed Carry Act [430 ILCS 66].

"All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of Firearms Instruction" means, at a minimum, instruction on the Act in its entirety, with emphasis on Sections 10(h) and 65 of the Act; the Firearm Owner Identification Card Act [430 ILCS 65]; relevant portions of the Criminal Code of 2012, including but not limited to, use of force in defense of a person [720 ILCS 5/7-1], use of force in defense of dwelling [720

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ILCS 5/7-2], use of force in defense of other property [720 ILCS 5/7-3], and unlawful use of a weapon [720 ILCS 5/Art. 24]; and the appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm.

"Application Verification Document" means the documents electronically generated by the Department upon submission of a completed Firearms Instructor Approval Application, which authorizes the Department to verify the answers given and confirm the validity of the information provided.

"B-27 Silhouette Target" means any target that complies with the National Rifle Association of America B-27 50 Yard Target Specifications.

"Basic Principles of Marksmanship Instruction" means, at a minimum, instruction on stance, grip, sight alignment, sight picture and trigger control.

"Care, Cleaning, Loading and Unloading of a Concealable Firearm Instruction" means, at a minimum, instruction on gun identification, ammunition identification and selection, safety and cleaning protocols, cleaning equipment, and firearms loading and unloading.

"Department" means the Illinois Department of State Police.

"FCCL" means Firearms Concealed Carry License issued pursuant to the Act.

"Firearms Safety Instruction" means, at a minimum, instruction on the four basic firearms handling safety rules, home storage, vehicle storage and public storage.

"FOID Act" means the Firearm Owner's Identification Card Act [430 ILCS 65].

"Four Basic Firearms Handling Safety Rules" means:

Keep the firearm pointed in a safe direction and never at anything the shooter is not willing to destroy;

Keep finger off the trigger until the sights are aligned on target and the shooter is ready to shoot and do not press on the trigger unless the shooter intends to fire;

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Treat all guns as though they are always loaded; and

Know the target and what lies beyond the target.

"Illinois Resident" means a person who qualifies for an Illinois driver's license, other than a Temporary Visitor's Driver's License (TVDL), or an Illinois State identification card due to his or her establishment of a primary domicile in Illinois.

"In Person" means during a live, face-to-face interaction and not via video conference, webinar or any other electronic media, but may include the use of pre-recorded materials by an instructor during a live presentation.

"LEADS" means the Illinois Law Enforcement Agencies Data System maintained by the Department. It is a statewide, computerized telecommunications system designed to provide services, information and capabilities to the Illinois law enforcement and criminal justice community.

"NICS" means the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation.

"NLETS" means the National Law Enforcement Telecommunications System.

"Public Storage" means storage at publicly-owned location, for example in a storage locker provided by a public or government facility, which may or may not have its own storage rules or protocols.

"Substantially Similar" means the comparable state regulates who may carry firearms, concealed or otherwise, in public; prohibits all who have mental health admissions, voluntary or involuntary, within the past 5 years or greater from carrying firearms, concealed or otherwise, in public; reports denied persons to NICS; and participates in reporting persons authorized to carry firearms, concealed or otherwise, in public through NLETS.

"Valid" means current and not suspended, revoked, expired, cancelled, invalidated, denied or disqualified.

"Valid Driver's License" or "Valid State Identification Card" does not include a temporary visitor's driver's license (TVDL).

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"Valid Firearms Instructor Certification" means certification as:

a Law Enforcement Firearms Instructor; or

a Firearms Instructor qualified to teach either handgun safety or a handgun training course that requires in-person classroom or lecture sessions totaling at least 3 hours and a live handgun firing component that was issued by:

a law enforcement entity;

a State or federal government entity (e.g., Military, Coast Guard, etc.);

the Illinois Law Enforcement Training Standards Board;

the National Rifle Association of America (NRA); or

any other entity recognized by at least 3 state or federal government agencies-as being qualified to provide education and training in the safe and proper use of firearms that maintains a program or process to certify instructors.

"Weapons Handling Instruction" means, at a minimum:

handgun fundamentals;

weapons concealment;

live fire qualification instruction; and

live fire qualification with a concealable firearm consisting of a minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards and 10 rounds from a distance of 10 yards at a B-27 silhouette target.

"Within a vehicle" means within the passenger compartment of a passenger or recreational vehicle or within a lockable container secured to a motorcycle.

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Section 1285.20 Instructor Approval

- a) Application to be a Concealed Carry Firearms Instructor shall be made by first submitting a full set of fingerprints to the Department in an electronic format using a Live Scan Vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.
- b) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the Licensed Live Scan Vendor or law enforcement agency registered by the Department, the applicant shall electronically complete and submit the Department's Concealed Carry Firearms Instructor Approval Application (Application), available on the Department's website.
- c) The Application must be complete and accurate. Incomplete Applications will not be accepted or processed.
- d) Applicants must have read the Act in its entirety, understand the rules and requirements of this Part, apply for an Illinois Firearms Concealed Carry License, unless the applicant is not required to possess an FCCL to conceal and carry handguns in Illinois, when that application is available and:
 - 1) If an Illinois resident:
 - A) possesses a valid Firearm Owner's Identification (FOID) Card (20 Ill. Adm. Code 1230); or
 - B) is eligible for and has applied for a FOID Card; or
 - 2) If not an Illinois resident, be eligible to obtain a valid FOID Card if the applicant were an Illinois resident.
- e) Upon completing and submitting the Application electronically, the applicant must print the Application Verification Document, sign it, have it notarized, attach the required Valid Firearms Instructor Certifications, and submit the Certification documents to the address specified in the Concealed Carry section of the ISP website.

Section 1231.30 Instructor Approval Revocation

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- a) Concealed Carry Firearms Instructors (Instructors) must maintain:
 - 1) A valid FOID Card or, if an out-of-state resident, eligibility to obtain a FOID; and
 - 2) After April 16, 2014, a valid FCCL.
- b) Revocation or expiration of either the FOID Card or FCCL shall result in the immediate revocation of the Instructor's approval.
- c) The Department may revoke an Instructor's approval upon receiving substantiated information that the instructor is not teaching the curriculum in a manner consistent with Section 75 of the Act.
- d) Upon revocation of an Instructor's approval, the Instructor's name and information will be removed from the registry of approved Instructors maintained by the Department and available on its website.
- e) Once an Instructor's approval is revoked and the Department issues a letter of revocation to the Instructor, the Instructor may appeal the revocation to the Director of the Department and present evidence that the factors resulting in the revocation have been resolved. If the Director determines that the revocation of approval was not warranted, or that the issues that resulted in revocation have been remediated, the Instructor's approval shall be reinstated, the instructor shall be notified and the name of the Instructor shall be restored to the registry of approved Instructors.

Section 1231.40 Curriculum Approval

- a) Application for curriculum approval shall be made by completing and submitting a Request for Approval of a Concealed Carry License Firearms Curriculum form, which is available on the Department's website.
- b) The application must be complete, accurate, signed, and notarized. If the application is not completed properly, it will be returned to the applicant and will not be processed.

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- c) The applicant must verify that the proposed curriculum meets the requirements set forth in the Act and that the course will be taught in person, as described in this Section.
- d) Training necessary for issuance of the FCCL shall consist of 16 hours of classroom and firearm training. Pursuant to Section 75(g), (h) and (i) of the Act, fewer hours of training, or no additional training, will be acceptable in certain instances indicating prior firearms training.
 - 1) A 16 hour training course must, at a minimum, cover the following topics:
 - A) Firearms Safety – a minimum of 1 hour;
 - B) Basic Principles of Marksmanship – a minimum of 1 hour;
 - C) Care, Cleaning, Loading and Unloading of a Concealable Firearm – a minimum of 1 hour;
 - D) All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of a Firearm – a minimum of 2 hours; and
 - E) Weapons Handling – a minimum of 1 hour.
 - 2) An 8 hour training course must, at a minimum, cover the following topics:
 - A) All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of a Firearm – a minimum of 2 hours; and
 - B) Weapons Handling – a minimum of 1 hour.
 - 3) For the topics to be included in the 16 hour and 8 hour training courses, the minimum hours established in this subsection (d) have been determined to be sufficient for the experienced shooter and shall be adjusted upward by the approved instructor based upon the skill level of those to be trained to ensure proficiency by all upon the completion of the required training component.

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- e) A 3 hour licensure renewal course must, at a minimum, cover the following topics:
 - 1) Two hours to cover:
 - A) any updates to Illinois or federal firearms laws governing concealed carry in Illinois;
 - B) updates in the Criminal Code Sections listed in Section 1231.10; and
 - C) appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm; and
 - 2) One hour of instruction to include a live fire qualification with a concealable firearm consisting of a minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10 rounds from a distance of 7 yards and 10 rounds from a distance of 10 yards at a B-27 silhouette target.
- f) The Department may request a complete course outline and instructional notes or any additional course related information from the applicant. If the applicant refuses the request, the application will be deemed incomplete and returned to the applicant.
- g) Once approved by the Department, the curriculum may only be taught by an Instructor approved by the Department under Section 1231.20 who is listed on the registry of approved Instructors.
- h) Upon receiving substantiated information that a curriculum, as taught, is not consistent with Section 75 of the Act, the Department may remove that curriculum from the list of approved curriculums maintained on the Department's website.
- i) Once a curriculum is removed from the list of approved curricula, the decision to remove the curriculum from the list may be appealed to the Director of the Department and evidence must be presented that the factors resulting in the revocation have been resolved. If the Director determines that the removal of the curriculum from the list was not warranted, or that the issues that resulted in that

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removal have been remediated, the curriculum approval shall be reinstated to the list.

Section 1231.50 Training Certification

- a) Approved Instructors shall complete the Department's Concealed Carry Firearms Training Certification form, which is available on the Department's website, for FCCL applicants.
- b) The Certification form shall only be completed for those applicants who the Instructor trained in person for whom the Instructor can verify:
 - 1) successful completion of the appropriate Department approved curriculum; or
 - 2) that the applicant has previously successfully completed training through a Department approved curriculum.
- c) On the Certification form, the Instructor shall:
 - 1) certify that the applicant successfully completed a 16 hour training course, an 8 hour training course, or a 3 hour renewal training course; and
 - 2) provide the unique identification number assigned by the Department to the approved curriculum and the Instructor.
- d) For those applicants who provided proof of up to 8 hours of training already completed toward the 16 hours training, the Instructor shall:
 - 1) verify the aggregate number of hours for which the applicant provided proof of instruction in Firearms Safety, Basic Principles of Marksmanship, and Care, Cleaning, Loading and Unloading of a Concealable Firearm, based upon a list provided by the Department of accepted training courses, and provide the necessary additional hours of training to equal 16;
 - 2) certify whether the applicant successfully completed the 8 hours training required by Section 1231.40; and

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- 3) provide the unique identification number assigned by the Department to the approved curriculum and the Instructor.
- e) The Instructor may certify up to 8 hours of prior training, consistent with Section 75 of the Act. The prior training may be substituted for no more than the following number of hours in any of the topics required by Section 1231.40(d)(2):
 - 1) Firearms Safety – a maximum of 2 classroom hours;
 - 2) Basic Principles of Marksmanship – a maximum of 3 classroom and range hours; and
 - 3) Care, Cleaning, Loading and Unloading of a Concealable Firearm – a maximum of 3 classroom and range hours.

Section 1231.60 Issuance of License

- a) An FCCL shall expire 5 years after the date of issuance.
- b) The Department shall, at least 60 days prior to the expiration of an FCCL, forward to the last known address of each person whose FCCL is to expire a notification of the expiration.
- c) The Department shall make applications available via its website.
- d) FCCL applicants must obtain a digital signature through the State of Illinois before applying for an FCCL. The Department will provide a link to the digital signature application through its website.
- e) Applicants submitting fingerprints shall do so electronically by submitting a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department. Manual fingerprints will not be accepted.
- f) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from the licensed Live Scan vendor or law enforcement agency, the applicant shall electronically complete and submit the FCCL to the Department.

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- g) The TCN for FCCL applicants will have a unique purpose code for the FCCL application process. Concealed Carry Firearm Instructors may use the TCN previously obtained for the instructor application process. No other previously obtained TCNs may be used as they will not have the appropriate purpose code.
- h) The database of FCCL applicants maintained by the Department pursuant to Section 10(i) of Act shall be exempt from FOIA pursuant to FOIA Section 7.5(v) [5 ILCS 140/7.5(v)].
 - 1) Persons authorized to access the database shall register with the Department to obtain a unique password granting them secure access to the database.
 - 2) The entity employing persons requesting access to the database shall appoint a person to act as the entity's point of contact and shall enter into an agreement with the Department defining the security protocols of the database and access to the database.

Section 1231.70 Objections

- a) Criminal history background checks for all FCCL applicants will be conducted by the Department. Law enforcement officials who wish to raise an objection to an FCCL applicant shall not use LEADS to run background checks to determine FCCL eligibility.
- b) Law enforcement officials may submit objections outside of the criminal history background check procedure via an electronic objection process available on the Department's website. Manual submissions will not be accepted.
 - 1) Law enforcement officials submitting an objection shall provide a narrative outlining the detailed reason for the objection.
 - 2) Law enforcement officials submitting an objection shall attach any documentation available supporting their objection.
- c) The Department may deny an application based upon a disqualifier identified through the criminal history background check pursuant to Section 25 of the Act; however, the local law enforcement official shall be permitted to submit

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objections for the duration of the objection period prescribed by Section 15 of the Act.

- d) If, upon or after receiving an objection from a local law enforcement official, an FCCL applicant is disqualified through the criminal history background check conducted under Section 25 of the Act, the Department will maintain a record of those objections. The objections will not be forwarded to the Concealed Carry Licensing Review Board for further consideration.

Section 1231.80 Review Board

- a) The Concealed Carry Licensing Review Board is part of the criminal justice process responsible for reviewing an FCCL applicant's criminal history record and eligibility.
- b) The Department will make the results of the applicant's criminal history background check, as well as any local law enforcement objections for any applicant not disqualified pursuant to Section 25 of the Act, available to the Concealed Carry Licensing Review Board if the applicant is subject to review pursuant to Section 20 of the Act.
- c) The Concealed Carry Licensing Review Board shall provide the Department with its final decision on each applicant in an electronic report authored by the Chairperson of the Board.

Section 1231.90 Qualifications for a License

- a) FCCL applicants who are Illinois residents must have a valid FOID card at the time of application.
- b) The Department shall deny the FCCL application for any FCCL applicant who is prohibited under federal law from possessing or receiving a firearm.

Section 1231.100 Application

- a) An FCCL applicant shall include his or her full social security number on the application, in accordance with federal guidelines.

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- b) As part of the application process and pursuant to Section 30(b)(10) of the Act, FCCL applicants must electronically upload proof of compliance with the training requirements of Section 75 of the Act. For every certificate submitted, FCCL applicants must include the training instructor's name and contact number and the name of the approved curriculum, as well as the unique identification numbers assigned by the Department to the instructor and the curriculum.
- c) All documentation required pursuant to Section 30 of the Act shall be submitted to the Department electronically by uploading it as an attachment to the FCCL application.

Section 1231.110 Non-Resident Application

- a) Pursuant to Section 40(b) of the Act, non-resident FCCL applications will only be accepted from persons licensed or permitted to carry firearms, concealed or otherwise, in public, in a substantially similar state.
- b) The Department shall post on its website a list of all states determined to be substantially similar.
- c) The Department shall determine which states are substantially similar, as defined in Section 1231.10, to Illinois in their manner of regulating concealed carry of firearms by surveying all other states.
- d) Non-resident FCCL applicants shall obtain a non-resident eligibility affidavit from the Department's website.
 - 1) The affidavit must be completed and notarized by all non-resident FCCL applicants.
 - 2) A copy of the affidavit must be submitted as an electronic attachment to the non-resident's FCCL application through the on-line application process.
 - 3) The original affidavit with notary stamp must be retained by the non-resident FCCL applicant and provided to the Department upon request.
- e) FCCL applicants applying under the non-immigrant visa exception to the FOID Act shall provide a letter from their foreign government stating the purpose for

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travel to Illinois, the date the applicant's non-immigrant visa expires, and the need for the FOID card, or a waiver from this provision granted by the U.S. Attorney General.

- f) All documentation required Section 40(c) and (d) of the Act shall be submitted to the Department electronically by uploading it as an attachment to the non-resident's FCCL application.

Section 1231.120 Renewal

- a) All documentation required pursuant to 430 ILCS 66/50 shall be submitted to the Department electronically by uploading it as an attachment to the FCCL renewal application.
- b) FCCL renewal applicants may submit a full set of fingerprints to the Department in an electronic format using a Live Scan vendor licensed by the Department of Financial and Professional Regulation or a law enforcement agency registered by the Department if such applicant did not do so at the time of his or her original FCCL application.
 - 1) Renewal fingerprints must comply with the provisions set forth in Section 1231.60.
 - 2) FCCL renewal applicants who submitted fingerprints at the time of their original FCCL application will not be required to submit additional sets of fingerprints upon renewal.
- c) The Department shall grant or deny a FCCL renewal application no later than 90 days after receipt of a completed application, except that the Department shall be granted 30 days in addition to the 90 days if the applicant has not submitted or previously submitted a full set of fingerprints submitted in electronic format.

Section 1231.130 Change Requests

The notification requirements of Section 55 of the Act shall be made by the licensee through an online process established by the Department and available on its website.

- a) The notarized statements required shall be made available by the Department on its website.

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- b) Any required attachment or attachments shall be submitted to the Department electronically by uploading them as an attachment.
- c) The original statements with notary stamp must be retained by the licensee and provided to the Department upon request.

Section 1231.140 Fees

- a) FCCL applicants must pay the fee in full when submitting their application.
- b) All fees shall be collected using the Illinois State Treasurer's E-Pay program. A convenience fee will be charged in accordance with the Illinois State Treasurer's E-Pay program.

Section 1231.150 Prohibited Areas

Section 65 of the Act specifies areas where concealed carry of weapons is prohibited and requires posting of those areas.

- a) A template for signs required pursuant to Section 65(d) of the Act shall be made available by the Department on its website.
- b) Prohibited areas may utilize signage larger in size than the template provided at their discretion. If prohibited areas use a larger sign, the template provided shall be reproduced no smaller than the 4" x 6" dimension required by the Act somewhere on the larger sign.
- c) Prohibited areas may include additional language on their signs. If prohibited areas include additional language, the template provided shall be reproduced no smaller than the 4" x 6" dimension required by the Act somewhere on the sign.

Section 1231.160 Law Enforcement Fingerprinting Registration

- a) Law enforcement agencies that plan to submit to the Department Electronic Fingerprint Fee Applications (EFFA, the application submitted by a person being electronically fingerprinted) for FCCL applicants must sign a memorandum of understanding between the agency and the Department establishing the requirements of the applicable State statutes and federal laws for the submission

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of non-criminal justice fingerprint transactions to the Department or the Federal Bureau of Investigation (FBI).

- b) Fingerprint images, a photograph of the individual being fingerprinted, and related alpha numeric identification data shall be submitted to the Department via electronic transmission utilizing live scan procedures and equipment approved by the Department. The photograph provision will be waived for applicants with a physical handicap or ailment that could result in the taking of a photograph causing the applicant harm in any way.
- c) A law enforcement agency's equipment and transmission of all types of transactions shall be certified by the Department.
- d) All employees responsible for taking fingerprints for the purposes of the Act shall require each individual seeking to be fingerprinted to present primary or secondary identification in order to be fingerprinted by the agency.
 - 1) Primary identification shall mean a valid driver's license or Secretary of State issued State identification card.
 - 2) In the absence of a driver's license or Secretary of State issued State identification card, secondary identification shall mean the individual seeking to be fingerprinted shall provide at least two forms of identification within the Identity Verification Program Guide (2006) developed and available from the National Crime Prevention and Privacy Compact Council from the FBI website (<http://www.fbi.gov/about-us/cjis/cc/current-initiatives/identity-verification-program-guide>).
- e) All FCCL applicants who submit an EFFA shall be required to sign a consent form prior to fingerprinting. The privacy statement within the consent form shall be approved by the Department.
- f) Agencies must maintain a record of all documentation and non-criminal justice transactions submitted to the Department for the purpose of auditing by the Department or the FBI and make its records available for that auditing.
- g) All employees responsible for taking fingerprints for non-criminal justice purposes shall successfully complete a fingerprint training course conducted or authorized by the Department.

DEPARTMENT OF STATE POLICE

NOTICE OF PROPOSED RULES

- h) Agencies will be required to establish a fiscal account with the Department of State Police-Bureau of Identification for the purpose of facilitating the payment of State and FBI background checks. The agencies will be invoiced monthly for all submissions received by the agency the prior month. The Department will not accept individual payments from the persons printed.