

FOID Modernization Act (HB 562, SA 1&2)

Items ISRA supports:

- FOID cards are automatically renewed through the valid period of a CCL
- FOID and CCL renewal dates are synchronized
- A single combined FOID and CCL card will replace the current two card requirement by consolidating the FOID and CCL into a single card
- Further streamlines, simplifies and modernizes the FOID/CCL process by authorizing the Illinois State Police to create an electronic version of the FOID/CCL card in lieu of a paper card and to replace paper communications with email or text. FFLs and ammo sellers will be able to accept the electronic card as a valid card.
- Improves due process for FOID and CCL card system by establishing professional appeals board and simpler methods for FOID/CCL reinstatement when appropriate
 - Adds a public defender to the review board. **(Rep Tarver request)**
 - The board shall issue summary decisions within 45 days **(Rep. Tarver Request)**
 - Board limited to only two 30-day extensions to issue a decision to the applicant. **(Rep. Tarver Request)**
- Allows FOID and CCL holders to apply for renewal six months before expiration date and requires ISP to send notice of expiration six months before
- Opportunity provided for FOID card holders to be continuously renewed in lieu of the current ten-year requirement
- Change of address requirement eliminated; ISP will rely on SOS data for address
- No longer have expiration dates on the FOID card
- Allowed to Carry (CCL) while hunting
- No increase in the FOID card Fee
- Renewal notices through email or text messages

Items where ISRA is neutral:

- Law Enforcement prohibited persons portal codified
- Mandatory firearms enforcement task force lead by Illinois State Police
- Provides new funding designated specifically for firearms enforcement for state and local police
- Updates intergovernmental drug enforcement statutes to allow for regional law enforcement task forces to investigate co-occurring gun trafficking and drug trafficking
- Requires timely “fusion” of gun trafficking data and ballistic evidence including through use of NIBIN and forensic systems across law enforcement
- Requires Illinois State Police to establish a public database of all firearms that have been reported stolen to be checked prior to the transfer of any firearm to prevent the inadvertent transfer of stolen firearms
 - **ISRA NOTE:** This can be advantageous to help FFLs to avoid illegal gun purchases.

- Mandates and codifies into state law the duty of the Illinois State Police to continuously monitor state and federal databases for firearms prohibiting records, to correlate those records with FOID card holders, and to revoke the FOID cards of any prohibited persons identified in those continuously monitored databases
- Requires State of Illinois to apply for federal NCHIP and NARIP funds to help courts, corrections, hospitals, and other reporter's close gaps in firearms prohibiting state records reporting systems
- Strengthens and clarifies definition of protective orders, including firearms restraining orders
 - **ISRA NOTE:** This is not new law but a codification of existing practice.
- Expands and enhances gun trafficking data reporting requirements under the Gun Trafficking Act and statutes:
 - **ISRA NOTE:** ISRA added language to help track times when a person filed a Firearms Restraining order and the request was rejected or a person filed a false Firearm Restraining order and that person was prosecuted for perjury.

Items where ISRA has concerns:

- Voluntary Fingerprinting for a benefit (Currently done for CCL licenses)
 - Incentivizes improvements to the identification of prohibiting records by expanding voluntary submission of fingerprints by simplifying FOID card renewal in sync with the FTIP process.
 - Incentivizes additional use of fingerprints by allowing the Illinois State Police to develop procedures for the voluntary use of pre-existing fingerprint data submitted through other state background check systems
 - The incentive is automatic FOID renewal anytime you are before the FTIP system.
 - **ISRA NOTE:** While we do not like to see a discussion about being fingerprinted for a constitutional right, we believe we should not get in the way of law-abiding gun owners voluntarily making this decision for a benefit similar to expedited CCLs with the submission of fingerprints.
- Enhances Private Firearm Transfer Requirements:
 - Allows for person-to-person transfers to be subject to NICS at an FFL dealer **or**;
 - Allows for person-to-person transfers using the ISP person-to-person FOID verification system
 - Buyer shall provide a record of the transfer to an FFL within 10 days of sale
 - **(Does not take effect until January 1, 2024)**
 - Buyer does not have to keep a record of the transfer
 - No penalty for failure to send transfer record to an FFL
 - Buyer must, upon demand of a peace officer, identify the FFL where the transfer is maintained
 - Seller has to maintain the record of the transfer per existing law for 10 years
 - FFL may charge a fee if they accept the transfer record of no more than \$25
 - **ISRA NOTE:** ISRA added language that would allow for supervision and expungement for the misdemeanor offence if a person failed to identify where the transfer records were maintained by an FFL.
- Mental Health Funding (**GPAC last minute request**)
 - Surplus funds used for random community based mental health programs and random grants to promote the National School Mental Health Curriculum model.
 - **ISRA NOTE:** Previous versions had surplus funds going to the Safe Schools and Healthy Learning Environment Grant Program. This program has been vetted by mental health professionals and is an initiative of Speaker Welch.

Acronyms

NICS: National Instant Criminal Background Check System

NARIP: NICS Act Record Improvement Program

NCHIP: National Criminal History Improvement Program

NIBIN: National Integrated Ballistic Information Program

FFL: Federal Firearm Licensee

FOID: Firearm Owners Identification