

Fix the FOID (HB1091)

“Clear & Present Danger” definition expanded:

- “...including any act that is intended to cause or create a risk and does cause or create a risk of death or great bodily harm to one or more persons.”

ISRA Note – Huge expansion of the definition of Clear and Present danger when they add in the term “...any act.”

Shall use a Federal Firearm License dealer (FFL)

- FFL must take possession of firearm until all legal requirements for transfer are met
- FFL shall conduct all background checks including NICS
 - If neither the seller/buyer pass a background check the FFL shall transfer the firearm to Law Enforcement
- FFL shall maintain all legal documentation subject to the Firearm Dealers License Certification Act
- FFL cannot charge more than \$10 for the transfer and must have ISP approval
- Exemptions to this provision:
 - Sales to law enforcement, corrections, active military
 - Those acting on behalf of law enforcement
 - Gunsmith conducting service or repair
 - Persons acting on behalf of common carrier for storage or delivery
 - Loaned firearm at a range
 - Minor or others that are loaned a firearm for lawful hunting
 - Transfer from family member at death
 - Shall notify ISP of transfer within 60 days
 - ISP shall conduct a NICS background check
 - Person that transfers a firearm to law enforcement

ISRA Note:

- *Bans private sales of firearms*
- *FFL's can only charge \$10*
 - *have costs and liability to store weapons*
 - *Potentially multiple background checks*
 - *Shall maintain all documentation (for how long?)*
 - *On error in background checks FFL forced to transfer firearm to law enforcement*

Mandatory Fingerprinting FOID/CCL:

- Must use live scan print vendor licensed by Department of Financial and Professional Regulation
- Vendor shall not charge more than \$30
- ISP shall change a fee for a national criminal background check not to exceed actual cost
- ISP shall deny license to for failure to submit fingerprints
- May use previously supplied fingerprints for a CCL

- Mandatory fingerprinting for CCL's

ISRA Note:

- *Treated like a common criminal for access to a constitutional right*
- *Cost of fingerprinting is greater than \$30, theft of services for fingerprinting vendor*

Applications and Renewals:

- ISP must approve/deny all "COMPLETE" applications in 30 BUSINESS days
- Increase fee to \$20 plus all applicable processing fees (not defined)
 - \$15 to Firearm Services Fund & \$5 to State Police Revocation Enforcement Fund
 - DNR loses funding from their original \$6 per card fee
- All FOID cards are valid and renewed for 5 years not 10 years
 - Existing FOIDs grandfathered for 10 years until first renewal then 5 years

ISRA Note:

- *Allows ISP to delay application approval for several months for incomplete application*
- *FOID/CCL valid for 5 years not 10*
- *300% increase in the FOID Card fee (Not including fingerprint cost and ISP charge)*
 - *Assume \$30 fingerprint + \$25 ISP charge + \$20 fee = \$75 FOID card fee*
 - ***1,400% Fee Increase!!!!!!***

Firearm Disposition Records:

- Shall contain a signed statement from the Transferee to include:
 - Knows the law, knows the penalties for violation of the law, will retain possession of firearms until Transferor is eligible or new transferee is found
- Courts may mandate transfer of firearms to law enforcement less than 48 hours
- ISP Enforcement Operations:
 - ISP shall conduct enforcement operations against ineligible FOID card holders
 - Emphasizing those that are a Clear and Present danger
- Increase penalty to Class A misdemeanor for failure to comply in 48 hours, Disposition Records

ISRA Note:

- *Creates confusing and contradictory firearm disposition procedures for Courts and Law Enforcement to follow*
- *Penalty enhancement for failure to comply*

Court mandated surrender of FOID and Firearms to Law enforcement:

- Upon felony conviction
- May petition the court for transfer under Firearm Dispositions section
 - May not be in the same household
 - Petition to court to transfer firearms to someone other than law enforcement is not guarantee

ISRA Note:

- *No guarantee Courts, upon petition may release firearms from law enforcement*