

DEPARTMENT OF STATE POLICE

NOTICE OF ADOPTED RULES

- 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 Section |
| 1231.20 | New Section |
| 1231.30 | New Section |
| 1231.40 | New Section |
| 1231.50 | New Section |
| 1231.60 | New Section |
| 1231.70 | New Section |
| 1231.80 | New Section |
| 1231.90 | New Section |
| 1231.100 | New Section |
| 1231.110 | New Section |
| 1231.120 | New Section |
| 1231.130 | New Section |
| 1231.140 | New Section |
| 1231.150 | New Section |
| 1231.160 | New Section |
| 1231.170 | New Section |
| 1231.180 | New Section |
| 1231.APPENDIX A | New Section |
| 1231.APPENDIX B | New Section |
| 1231.APPENDIX C | New Section |
- 4) Statutory Authority: Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act
- 5) Effective Date of Rules: December 31, 2013
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of these adopted rules, including any material incorporated by reference, is on file in the Agency's principal office and is available for public inspection.

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9) Notice of Proposal published in the *Illinois Register*: 37 Ill. Reg. 15859; October 11, 2013

10) Has JCAR issued a Statement of Objection to these rules? No

11) Differences between Proposal and Final Version:

Added "SUBPART A: DEFINITIONS", "SUBPART B: INSTRUCTOR AND CURRICULUM", "SUBPART C: FIREARM CONCEALED CARRY LICENSURE", AND "SUBPART D: MISCELLANEOUS".

In Section 1231.10 Definitions, added "In addition to the definitions included in this Section, any additional definitions created in Section 5 of the Act apply."

In the definition of "All Applicable State and Federal Laws Relating to the Ownership, Storage, Carry and Transportation of Firearms Instruction", deleted "and the appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm".

Added the definition "CCLRB" means the Concealed Carry Licensing Review Board."

Under the definition of "Four Basic Firearms Handling Safety Rules" added the sentence "For purposes of Section 75(e) of the Act, "hit the target" shall mean hit the scoring area of the B-27 Silhouette Target."

Added the definition of "Law Enforcement Official".

Added the definition of "United States Armed Forces".

Changed the definition "Valid" to "Valid Driver's License" or "Valid State Identification Card".

In Section 1231.20, added item (a) to read:

- "a) Applicants for Concealed Carry Firearm Instructor (Instructor) approval shall meet the requirements of Section 80 of the Act and shall maintain:
 - 1) A valid Firearms Owner's Identification (FOID) Card of, if an out-of-state resident, eligibility to obtain a FOID Card (see 20 Ill. Adm. Code 1230); and

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- 2) After April 16, 2014, a valid FCCL, unless the applicant is not required to possess an FCCL to conceal and carry handguns in Illinois."

In Section 1231.20, changed item (a) to (b).

In Section 1231.20, changed item (b) to (c).

In Section 1231.20, changed former item (c) to (d), and added "Upon receipt of an incomplete Application, the Department shall notify the instructor applicant and advise what information is missing. If an instructor applicant has not provided the missing information in response to the Department's notification within 60 days after notice from the Department, the Application shall be denied."

In Section 1231.20, changed former item (d) to (e). Changed "apply for an Illinois Firearms Concealed Carry License" to "and, after April 16, 2014, hold an Illinois Firearms Concealed Carry License". Deleted "(B) is eligible for and has applied for a FOID Card; or".

In Section 1231.20, added "(f) Applicants must meet all of the requirements of Section 30 of the Act."

In Section 1231.20, changed item (e) to (g). Added the address:
"Illinois State Police
Concealed Carry Firearms Instructor Approval
P.O. Box 19333
Springfield, IL 62724"

In Section 1231.30, deleted item (a).

In Section 1231.30, changed item (b) to (a).

In Section 1231.30, changed item (c) to (b).

In Section 1231.30, added "(c) The Department may, without providing prior notice, audit an Instructor's scheduled training for purposes of investigating allegations that an Instructor and/or curriculum is not in compliance with the Act and this Part. Complaints regarding Instructors may be made by calling the Illinois State Police Academy at (217) 786-0284."

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In Section 1231.40(d), added "(see Appendix B)".

In Section 1231.40(d)(1)(D) and (d)(2)(A), added "and appropriate and lawful interaction with law enforcement while transporting or carrying a concealed firearm".

In Section 1231.50(a) and (c), added "(see Appendix C)".

Changed Section 1231.50(c)(1) to read "certify the number of hours the FCCL applicant successfully completed". Deleted "a 16 hour training course, an 8 hour training course, or a 3 hour renewal training course".

Changed Section 1231.50(3) from "provide the unique identification number assigned by the Department to the approved curriculum and the Instructor" to "identify which prior training credits the Instructor verified, as identified on the Department's Concealed Carry Firearm Training Certification form (see Appendix C)".

In Section 1231.60(c), added "no later than January 5, 2014. No later than July 1, 2014, the Department will provide an alternative to the web-based application process for Illinois residents who have limited or not access to the web-based application process."

In Section 1231.60(d), changed "State of Illinois" to "Department of Central Management Services (see 14 Ill. Adm. Code 105)".

In Section 1231.70(b), added "and LEADS information".

In Section 1231.70(b)(2), added "other than information obtained from LEADS".

In Section 1231.70(c), deleted "through the criminal history background check".

In Section 1231.80, added "b) Applicants disqualified pursuant to Section 25 of the Act shall not be referred to the Concealed Carry Licensing Review Board."

Changed Section 1231.80(b) to "c) If the applicant is subject to review pursuant to Section 20 of the Act, the Department will make the results of the applicant's State criminal history background check and federal out-of-state fingerprint-based criminal history background check, as well as any local law enforcement objections available to the Concealed Carry Licensing Review Board."

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In Section 1231.80, changed (c) to (d).

In Section 1231.90, added "a) Applicants shall meet the requirements of Sections 25 and 30 of the Act, as well as Sections 4 and 8 of the FOID Act."

In Section 1231.90, changed (a) to "b) FCCL applicants who are Illinois residents must have a valid FOID Card. Illinois residents who have applied for a FOID card may apply for an FCCL before the FOID Card is issued. The Department will not approve the FCCL application until the applicant has been issued a FOID Card. If the FCCL applicant's FOID Card application is denied, the FCCL fee is not refundable (see Section 60(a) of the Act)."

Changed Section 1231.100(a) to read "The application shall include the information required in Sections 25 and 30 of the Act, as well as the information required in Sections 4 and 8 of the FOID Act. The application shall also include the FCCL applicant's citizenship, race, gender, phone number, e-mail address (if available) and state of residence. For Illinois residents, the application shall include the FCCL applicant's driver's license or identification card number and its expiration date."

In Section 1231.100(b), added "(e.g., training certificates; official documentation from the employing agency demonstrating that the applicant is an active law enforcement or corrections officer, has completed required firearms training, and is authorized to carry a firearm; official documentation from the Department approving the Concealed Carry Firearm Instructor's application that includes the Instructor Number; official documentation from the Illinois Law Enforcement Training and Standards Board; printouts from the Illinois Department of Financial and Professional Regulations' "License Look-up" that includes the licensee's name, license number and license status; etc.) with the training requirements of Section 75 of the Act."

In Section 1231.100, added items (d), (e), (f), and (g).

In Section 1231.110(e), added "(see 430 ILCS 65/8(i-5) and 20 Ill. Adm. Code 1231.20(g))".

In Section 1231.120(c), added "by Section 30(b)(8) of the Act".

In Section 1231.130, added item (d).

In Section 1231.140(a), added "required by Section 60 of the Act".

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In Section 1231.140(b), added "which is linked to the electronic FCCL application on the DSP website".

In Section 1231.140, added items (c) and (d).

In Section 1231.150(a), added "is provided in Appendix A and is".

In Section 1231.150, added item (d).

Added new Section 1231.160 FCCL Suspension, Revocation and Invalidation per agreement with JCAR, in order to provide procedures for the handling of suspended, revoked and invalidated FCCLs.

Added new Section 1231.170 Appeals per agreement with JCAR, in order to provide procedures for individuals to appeal the denial, suspension, or revocation of his or her FCCL.

Changed Section 1231.160 Law Enforcement Fingerprinting Registration to Section 1231.180.

In Section 1231.180(c), added "as being compatible with the Department's systems (see 68 Ill. Adm. Code 1240)".

Added Section 1231.Appendix A Prohibited Area Posting, per agreement with JCAR.

Added Section 1231. Appendix B Prior Training Credit, per agreement with JCAR.

Added Section 1231.Appendix C Concealed Carry Firearm Training Certification Form, per agreement with JCAR.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rule currently in effect? Yes, 37 Ill. Reg. 15146; August 30, 2013
- 14) Are there any rulemakings pending on this Part? No

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- 15) Summary and Purpose of Rules: The proposed rule will provide procedures for implementing the Firearm Concealed Carry Act, including instructor and curriculum approval, concealed carry licensure, and law enforcement fingerprinting registration.
- 16) Information and questions regarding these adopted rules shall be directed to:

Suzanne L. Y. Bond
Chief Legal Counsel
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

or

Lisa Freitag
Rules Coordinator
Illinois State Police
801 South 7th Street, Suite 1000-S
Springfield, Illinois 62703

217/782-7658

217/782-9356

The full text of the Adopted Rules 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

SUBPART A: DEFINITIONS

Section

1231.10 Definitions

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

1231.20 Instructor Approval
1231.30 Instructor Approval Revocation
1231.40 Curriculum Approval
1231.50 Training Certification

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

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 FCCL Suspension, Revocation and Invalidation
1231.170 Appeals

SUBPART D: MISCELLANEOUS

1231.180 Law Enforcement Fingerprinting Registration

1231.APPENDIX A Prohibited Area Posting
1231.APPENDIX B Prior Training Credit

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1231.APPENDIX C Concealed Carry Firearm Training Certification Form

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

SOURCE: Adopted at 38 Ill. Reg. 2322, effective December 31, 2013.

SUBPART A: DEFINITIONS

Section 1231.10 Definitions

In addition to the definitions included in this Section, any additional definitions created in Section 5 of the Act apply.

"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 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].

"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

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and selection, safety and cleaning protocols, cleaning equipment, and firearms loading and unloading.

"CCLRB" means the Concealed Carry Licensing Review Board.

"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;

Treat all guns as though they are always loaded; and

Know the target and what lies beyond the target.

For purposes of Section 75(e) of the Act, "hit the target" shall mean hit the scoring area of the B-27 Silhouette 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, except that pre-recorded materials may be used by an instructor during a live presentation.

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"Law Enforcement Official" means an employee of a government agency who:

is authorized by law to engage in or supervise the prevention, detection, investigation, prosecution or incarceration of any person for any violation of law;

has statutory powers of arrest or custodial detention;

is authorized by the agency to carry a firearm while on duty;

is not the subject of any disciplinary action by the employing agency that could result in termination;

meets the standards established by the agency that require the employee to regularly qualify in the use of a firearm; and

is not prohibited by federal law from possessing a firearm.

"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 involuntary mental health admissions, and those with voluntary admissions within the past 5 years, 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.

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"United States Armed Forces" shall, for purposes of Section 75 of the Act, include all branches of the U.S. Military (Army, Air Force, Coast Guard, Marine Corps and Navy), as well as the Federal Reserve Components (Army, Navy, Air Force, Marine Corps and Coast Guard) and National Guard (Army and Air).

"Valid Driver's License" or "Valid State Identification Card" means current and not suspended, revoked, expired, cancelled, invalidated, denied or disqualified. It does not include a temporary visitor's driver's license (TVDL).

"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;

handgun concealment;

live fire qualification instruction; and

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live fire qualification with a concealable firearm using a B-27 silhouette target 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.

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

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

Section 1231.20 Instructor Approval

- a) Applicants for Concealed Carry Firearm Instructor (Instructor) approval shall meet the requirements of Section 80 of the Act and shall maintain:
 - 1) A valid Firearm Owner's Identification (FOID) Card or, if an out-of-state resident, eligibility to obtain a FOID Card (see 20 Ill. Adm. Code 1230); and
 - 2) After April 16, 2014, a valid FCCL, unless the applicant is not required to possess an FCCL to conceal and carry handguns in Illinois.
- b) 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.
- c) 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 @ccl4illinois.com.
- d) The Application must be complete and accurate. Incomplete Applications will not be accepted or processed. Upon receipt of an incomplete Application, the Department shall notify the instructor applicant and advise what information is missing. If an instructor applicant has not provided the missing information in

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response to the Department's notification within 60 days after notice from the Department, the Application shall be denied.

- e) Applicants must have read the Act in its entirety, understand the rules and requirements of this Part, and, after April 16, 2014, hold an Illinois Firearms Concealed Carry License, unless the applicant is not required to possess an FCCL to conceal and carry handguns in Illinois, and:
 - 1) If the applicant is an Illinois resident, possess a valid FOID Card.
 - 2) If not an Illinois resident, be eligible to obtain a valid FOID Card if the applicant were an Illinois resident.
- f) Applicants must meet all of the requirements of Section 30 of the Act.
- g) 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:

Illinois State Police
Concealed Carry Firearms Instructor Approval
P.O. Box 19333
Springfield IL 62724

Section 1231.30 Instructor Approval Revocation

- a) Revocation or expiration of either the FOID Card or FCCL shall result in the immediate revocation of the Instructor's approval.
- b) 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.
- c) The Department may, without providing prior notice, audit an Instructor's scheduled training for purposes of investigating allegations that an Instructor and/or curriculum is not in compliance with the Act and this Part. Complaints regarding Instructors may be made by calling the Illinois State Police Academy at (217)786-0284.

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- d) Upon revocation of an Instructor's approval, the Instructor's name and information shall 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 remedied, 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.
- c) The applicant shall 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 (see Appendix B) 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;

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- 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 and appropriate and lawful interaction with law enforcement while transporting or carrying a concealed 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 and appropriate and lawful interaction with law enforcement while transporting or carrying a concealed 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.
- 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

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- 2) One hour of instruction to include a live fire qualification with a concealable firearm using a B-27 silhouette target 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.
- 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 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 removal have been remediated, the curriculum approval shall be reinstated to the list.

Section 1231.50 Training Certification

- a) Approved Instructors shall complete for FCCL applicants the Department's Concealed Carry Firearms Training Certification form (see Appendix C), which is available on the Department's website.
- 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

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- 2) that the applicant has already successfully completed training through a Department approved curriculum.
- c) On the Certification form (see Appendix C), the Instructor shall:
- 1) certify the number of hours the FCCL applicant successfully completed; 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 hours total;
 - 2) certify whether the applicant successfully completed the 8 hours training required by Section 1231.40; and
 - 3) identify which prior training credits the Instructor verified, as identified on the Department's Concealed Carry Firearm Training Certification form (see Appendix C).
- 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

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- 3) Care, Cleaning, Loading and Unloading of a Concealable Firearm – a maximum of 3 classroom and range hours.

SUBPART C: FIREARM CONCEALED CARRY LICENSURE

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 no later than January 5, 2014. No later than July 1, 2014, the Department will provide an alternative to the web-based application process for Illinois residents who have limited or no access to the web-based application process.
- d) FCCL applicants must obtain a digital signature through the Department of Central Management Services (see 14 Ill. Adm. Code 105) 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.
- 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.

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- 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 and LEADS information 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 available documentation, other than information obtained from LEADS, supporting their objection.
- c) The Department may deny an application based upon a disqualifier identified pursuant to Section 25 of the Act; however, the local law enforcement official shall be permitted to submit 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

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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) Applicants disqualified pursuant to Section 25 of the Act shall not be referred to the Concealed Carry Licensing Review Board.
- c) If the applicant is subject to review pursuant to Section 20 of the Act, the Department will make the results of the applicant's State criminal history background check and federal and out-of-state fingerprint-based criminal history background check, as well as any local law enforcement objections, available to the Concealed Carry Licensing Review Board.
- d) 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) Applicants shall meet the requirements of Sections 25 and 30 of the Act, as well as Sections 4 and 8 of the FOID Act.
- b) FCCL applicants who are Illinois residents must have a valid FOID Card. Illinois residents who have applied for a FOID Card may apply for an FCCL before the FOID Card is issued. The Department will not approve the FCCL application until the applicant has been issued a FOID Card. If the FCCL applicant's FOID Card application is denied, the FCCL fee is not refundable (see Section 60(a) of the Act).
- c) The Department shall deny the FCCL application for any FCCL applicant who is prohibited under State or federal law from possessing or receiving a firearm.

Section 1231.100 Application

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- a) The application shall include the information required in Sections 25 and 30 of the Act, as well as the information required in Sections 4 and 8 of the FOID Act. The application shall also include the FCCL applicant's citizenship, race, gender, phone number, e-mail address (if available) and state of residence. For Illinois residents, the application shall include the FCCL applicant's driver's license or identification card number and its expiration date.
- 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 (e.g., training certificates; official documentation from the employing agency demonstrating that the applicant is an active law enforcement or corrections officer, has completed required firearms training, and is authorized to carry a firearm; official documentation from the Department approving the Concealed Carry Firearm Instructor's application that includes the Instructor Number; official documentation from the Illinois Law Enforcement Training and Standards Board; printouts from the Illinois Department of Financial and Professional Regulations' "License Look-up" that includes the licensee's name, license number and license status; etc.) with the training requirements of Section 75 of the Act. For every certificate submitted, FCCL applicants must include the 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.
- d) FCCL applicants shall select whether they prefer to receive Department notification via e-mail or written notification. If selecting e-mail notifications, applicants shall provide a current e-mail address to the Department as part of the application process and are responsible for checking the e-mail address provided for correspondence from the Department regarding the application.
- e) If any of the FCCL applicant's contact information changes, including but not limited to his or her e-mail address, the FCCL applicant shall amend his or her application to notify the Department of the corrected contact information.

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- f) Upon receipt of an incomplete application, the Department shall notify the FCCL applicant and advise the applicant as to what information is missing. The application shall not be deemed complete and the provisions of Section 10(e) of the Act shall not apply until the FCCL applicant provides a complete application including the requested missing information.
- g) If an FCCL applicant has not provided the missing information in response to the Department's notification within 60 days after notice from the Department, the application shall be denied.

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 (see 430 ILCS 65/8(i-5) and 20 Ill. Adm. Code 1231.20(g)) shall provide a letter from their foreign government stating the purpose for travel to Illinois, the

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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 by 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 Section 50 of the Act 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 the renewal 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 need not submit additional sets of fingerprints upon renewal.
- c) The Department shall grant or deny an FCCL renewal application no later than 90 days after receipt of a completed application, except that the Department is granted by Section 30(b)(8) of the Act 30 days in addition to the 90 days if the applicant has not previously submitted a full set of fingerprints 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.
- d) Upon receipt of an incomplete change request, the Department shall notify the FCCL applicant and advise what information is missing. If an FCCL applicant has not provided the missing information in response to the Department's notification within 60 days after notice from the Department, the request shall be denied.

Section 1231.140 Fees

- a) FCCL applicants shall pay the fee required by Section 60 of the Act, in full, when submitting their application.
- b) All application fees shall be collected using the Illinois State Treasurer's E-Pay program, which is linked to the electronic FCCL application on the DSP website. A convenience fee will be charged in accordance with the Illinois State Treasurer's E-Pay program.
- c) Application, renewal and replacement fees are non-refundable.
- d) All fees collected for criminal history records checks required by Section 35 of the Act will be collected by the licensed Live Scan Vendors or local law enforcement agencies at the time of fingerprinting and transmitted to the Department for deposit in the State Police Services Fund. A convenience fee may be charged by the licensed Live Scan Vendors or local law enforcement agencies as provided by Section 31-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447/31-5].

Section 1231.150 Prohibited Areas

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

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- a) A template for signs required pursuant to Section 65(d) of the Act is provided in Appendix A and is available on the Department's website.
- b) Owners of 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 somewhere on the larger sign no smaller than the 4" x 6" dimension required by the Act.
- c) Prohibited areas may include additional language on their signs. If prohibited areas include additional language, the template provided shall be reproduced somewhere on the larger sign no smaller than the 4" x 6" dimension required by the Act.
- d) The required signs shall be clearly and conspicuously posted at the entrance of the building, premises or real property. The sign shall provide persons entering the property notice that they are entering a prohibited area in which, pursuant to the Act, they shall not carry a concealed firearm.

Section 1231.160 FCCL Suspension, Revocation and Invalidation

- a) Section 70 of the Act specifies violations resulting in suspension, revocation or invalidation of an FCCL.
- b) The Department will provide written notice to the licensee of a suspension, revocation or invalidation.
- c) The license of a person in violation of Section 70(d) or (e) will be suspended for a period of 6 months upon conviction of the second violation and shall be permanently revoked for a third violation.
- d) Surrender/Seizure of an FCCL
 - 1) A person whose FCCL has been revoked or suspended shall surrender the FCCL to the local law enforcement agency where the person resides within 48 hours after receiving notice of the revocation or suspension.
 - 2) If the licensee whose FCCL has been revoked or suspended fails to comply with the requirements of this subsection, the law enforcement

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agency where the person resides may petition the circuit court to issue a warrant to search for and seize the FCCL.

- 3) The local law enforcement agency shall provide the licensee a receipt for the revoked or suspended FCCL and transmit the FCCL license to the Department of State Police, within 10 business days.

Section 1231.170 Appeals

- a) Appeals to CCLRB
An individual whose application for an FCCL is denied or whose FCCL is suspended or revoked may petition the Department for relief unless the denial is based upon a determination of the CCLRB. A denial based upon a determination of the CCLRB may be appealed through petition to the circuit court in the county of the applicant's residence, pursuant to Section 87(a) of the Act.
- b) Informal Relief Proceeding
 - 1) Individuals who wish to request relief from the Department shall provide written notice to the Department within 60 days after receipt of the notice that their FCCL application is denied or their FCCL is revoked to begin the appeal process.
 - 2) The petitioner must provide to the Department any reasonable documentation requested by the Department related to the determination for granting relief.
 - 3) Upon receiving complete documentation for the appeal, the Department will investigate the circumstances surrounding the denial or revocation. If the Director is satisfied that substantial justice has not been done through the denial or revocation and that it is not likely that the applicant or any other party will be injured by the granting of the relief, the Director or his or her designee may grant relief.
 - 4) The appeal process shall not begin until the Department has received all the necessary documentation.
 - 5) In the event the Director or his or her designee desires additional information concerning the circumstances surrounding the denial or

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revocation action, the Director may schedule a fact-finding conference with the petitioner or request additional information.

- 6) The Director or his or her designee may grant or deny relief as a result of the fact-finding conference.
 - 7) In an informal relief proceeding, 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.
- c) Formal Administrative Hearing
- 1) If the Director does not provide relief as a result of the investigation or a fact-finding conference, the petitioner may request a formal administrative hearing. The request for hearing must be in writing and sent to the DSP Firearms Services Bureau, Appeals Unit.
 - 2) 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.
 - 3) The procedures for the hearing shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the ALJ.
 - 4) 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.
- d) Administrative Review Law
- All final administrative decisions of the Department or the CCLRB shall be subject to judicial review under the Administrative Review Law.

SUBPART D: MISCELLANEOUS

Section 1231.180 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

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electronically fingerprinted) for FCCL applicants shall 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 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 disability 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 as being compatible with the Department's systems (see 68 Ill. Adm. Code 1240).
- 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 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.

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- 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.
- 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.

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Section 1231.Appendix A Prohibited Area Posting

Pursuant to Section 65(d) of the Act, signs must be of a uniform design. The Department has adopted the following sign format. The background is white, with no text, other than the reference to 403 ILCS 66/65, and no other marking within the one-inch area surrounding the graphic design. The graphic design is a handgun in black ink surrounded by a red circle with a diagonal slash across the handgun. The circle shall be 4 inches in diameter. The black rectangle surrounding the image must measure 4 inches tall by 6 inches wide.

The image is available on the DSP website for download.



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Section 1231. Appendix B Prior Training Credit

- a) Section 75(g) and (i) of the Act provides that prior handgun training can be substituted for a portion of the training required for an FCCL. The following is a list of training courses that qualify for prior training credit and the amount of credit awarded for each.
- b) It is the responsibility of the Instructor to verify successful completion of prior training and apply credit as listed. Once this credit is combined with additional training hours provided by the Instructor, the Instructor will certify that the 16 hour training requirement was met.
- c) Instructors should inform applicants how much credit they will receive for their prior training and remind them the prior training certificates must be submitted with the FCCL Training Certificate (see Appendix C) when they apply.
- d) The following are courses for which prior training credit can be awarded. This list will be updated as additional courses are submitted and approved by the Department.

| <u>Course Title</u> | <u>Acceptable Credit</u> |
|---|--------------------------|
| Illinois Hunter Safety Course..... | 4 hours |
| Utah Concealed Carry | 4 hours |
| Florida Concealed Carry | 4 hours |
| Nevada Concealed Carry | 4 hours |
| Missouri Concealed Carry | 4 hours |
| Kentucky Concealed Carry | 4 hours |
| Michigan Concealed Carry | 4 hours |
| Chicago Firearms Safety Course | 4 hours |
| NRA Basic Pistol | 8 hours |
| NRA Personal Protection in the Home | 8 hours |
| NRA Personal Protection Outside the Home..... | 8 hours |
| Active, Retired or Honorably Discharged member of the United States Armed Forces | 8 hours |
| Prior Law Enforcement or Corrections Officer Training (see Section 75(j) of the Act) | 8 hours |

- e) Section 75(g) of the Act requires that any hours remaining after the credit has

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been granted must at least cover the classroom subject matter and range qualifications listed in Section 1231.40(d) and (e)(2).

- f) To submit training for recognition by the Department, mail the following items to Illinois State Police, FCCL Prior Credit, Post Office Box 19333, Springfield IL 62794:
- 1) Basic course outline of the training submitted; and
 - 2) A letter from another state indicating it recognizes the course.

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Section 1231. Appendix C Concealed Carry Firearm Training Certification Form



Illinois State Police

CONCEALED CARRY FIREARM TRAINING CERTIFICATE

I, _____ certify that _____ has successfully completed training for an Illinois Concealed Carry Firearms License on _____ pursuant to the Illinois Firearm Concealed Carry Act (the Act).
(Instructor Name Printed) (Applicant Name – First, Middle, Last) (Date)

I provided ____ hours of training required by Section 75(b) and (c) of the Act. _____
(CURRICULUM ID#: CCC)

I verified _____ hours of prior training and provided the additional required training to be counted towards the 16 hour requirement pursuant to Section 75(g) of the Act.

The Applicant provided documentation of the following courses for prior training credit. (CHECK ALL THAT APPLY)

- Illinois Hunter Safety Course
- Utah Concealed Carry
- Florida Concealed Carry
- Nevada Concealed Carry
- Missouri Concealed Carry
- Kentucky Concealed Carry
- Michigan Concealed Carry
- Chicago Firearms Safety Course
- NRA Basic Pistol 8 hours
- NRA Personal Protection in the Home 8 hours
- NRA Personal Protection Outside the Home 8 hours
- Active, Retired or Honorably Discharged member of the US Armed Forces..... 8 hours
- Previously qualified law enforcement or corrections officer (see 430 ILCS 75(j)) 8 hours

I hereby certify that the above applicant has demonstrated a total of 16 hours of approved training curriculum as required by Section 75(b) and (c) of the Act.

INSTRUCTOR ID NUMBER:

INSTRUCTOR BUSINESS NAME: _____

INSTRUCTOR SIGNATURE: _____

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APPLICANT SIGNATURE: _____

12/20/13