

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1231
FIREARM CONCEALED CARRY ACT PROCEDURES

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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 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

44 interaction with law enforcement while transporting or carrying a concealed
45 firearm.

46
47 "Application Verification Document" means the documents electronically
48 generated by the Department upon submission of a completed Firearms Instructor
49 Approval Application, which authorizes the Department to verify the answers
50 given and confirm the validity of the information provided.

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

54
55 "Basic Principles of Marksmanship Instruction" means, at a minimum, instruction
56 on stance, grip, sight alignment, sight picture and trigger control.

57
58 "Care, Cleaning, Loading and Unloading of a Concealable Firearm Instruction"
59 means, at a minimum, instruction on gun identification, ammunition identification
60 and selection, safety and cleaning protocols, cleaning equipment, and firearms
61 loading and unloading.

62
63 "CCLRB" means the Concealed Carry Licensing Review Board.

64
65 "Department" means the Illinois Department of State Police.

66
67 "FCCL" means Firearms Concealed Carry License issued pursuant to the Act.

68
69 "Firearms Safety Instruction" means, at a minimum, instruction on the four basic
70 firearms handling safety rules, home storage, vehicle storage and public storage.

71
72 "FOID Act" means the Firearm Owner's Identification Card Act [430 ILCS 65].

73
74 "Four Basic Firearms Handling Safety Rules" means:

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

78
79 Keep finger off the trigger until the sights are aligned on target and the
80 shooter is ready to shoot and do not press on the trigger unless the shooter
81 intends to fire;

82
83 Treat all guns as though they are always loaded; and

84
85 Know the target and what lies beyond the target.

86

87 For purposes of Section 75(e) of the Act, "hit the target" shall mean the
88 scoring area of the B-27 Silhouette Target.
89

90 "Illinois Resident" means a person who qualifies for an Illinois driver's license,
91 other than a Temporary Visitor's Driver's License (TVDL), or an Illinois State
92 identification card due to his or her establishment of a primary domicile in
93 Illinois.
94

95 "In Person" means during a live, face-to-face interaction and not via video
96 conference, webinar or any other electronic media, but may include the use of
97 pre-recorded materials by an instructor during a live presentation.
98

99 "Law enforcement official" means an employee of a government agency who:
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- 101 a) is authorized by law to engage in or supervise the prevention,
102 detection, investigation, prosecution or the incarceration of any
103 person for any violation of law;
104
- 105 b) has statutory powers of arrest or custodial detention;
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- 107 c) is authorized by the agency to carry a firearm while on duty;
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- 109 d) is not the subject of any disciplinary action by their employing
110 agency that could result in termination;
111
- 112 e) meets the standards established by the agency which require the
113 employee to regularly qualify in the use of a firearm;
114
- 115 f) is not prohibited by Federal law from possessing a firearm.
116

117 "LEADS" means the Illinois Law Enforcement Agencies Data System maintained
118 by the Department. It is a statewide, computerized telecommunications system
119 designed to provide services, information and capabilities to the Illinois law
120 enforcement and criminal justice community.
121

122 "NICS" means the National Instant Criminal Background Check System
123 maintained by the Federal Bureau of Investigation.
124

125 "NLETS" means the National Law Enforcement Telecommunications System.
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127 "Public Storage" means storage at publicly-owned location, for example in a
128 storage locker provided by a public or government facility, which may or may not
129 have its own storage rules or protocols.

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"Substantially Similar" means the comparable state regulates who may carry firearms, concealed or otherwise, in public; prohibits all who have involuntary mental health admissions or voluntary 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.

"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), we well as the 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;

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live fire qualification instruction; and

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.

Section 1231.20 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 shall 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 shall 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 response to the Department's notification within 60 days of notice from the Department, the application shall be denied.
- d) Applicants must have read the Act in its entirety, understood the rules and requirements of this Part and have applied 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 made available and:
 - 1) If an Illinois resident, possesses a valid Firearm Owner's Identification (FOID) Card (20 Ill. Adm. Code 1230).
 - 2) If not an Illinois resident, be eligible to obtain a valid FOID Card if the applicant were an Illinois resident.

- 216 e) Applicants must meet all of the requirements of Section 30 of the Act.
- 217
- 218 f) Upon completing and submitting the Application electronically, the applicant
- 219 must print the Application Verification Document, sign it, have it notarized,
- 220 attach the required Valid Firearms Instructor Certifications, and submit the
- 221 Certification documents to the address specified in the Concealed Carry section of
- 222 the ISP website.
- 223

224 **Section 1231.30 Instructor Approval Revocation**

- 225
- 226 a) Concealed Carry Firearms Instructors (Instructors) shall maintain:
- 227
- 228 1) A valid FOID Card or, if an out-of-state resident, eligibility to obtain a
- 229 FOID; and
- 230
- 231 2) After April 16, 2014, a valid FCCL.
- 232
- 233 b) Revocation or expiration of either the FOID Card or FCCL shall result in the
- 234 immediate revocation of the Instructor's approval.
- 235
- 236 c) The Department may revoke an Instructor's approval upon receiving substantiated
- 237 information that the instructor is not teaching the curriculum in a manner
- 238 consistent with Section 75 of the Act.
- 239
- 240 d) The Department may, without providing prior notice, audit an Instructor's
- 241 scheduled training for purposes of investigating allegations that an Instructor
- 242 and/or curriculum is not in compliance with the Act and the rules.
- 243
- 244 e) Upon revocation of an Instructor's approval, the Instructor's name and information
- 245 shall be removed from the registry of approved Instructors maintained by the
- 246 Department and available on its website.
- 247
- 248 f) Once an Instructor's approval is revoked and the Department issues a letter of
- 249 revocation to the Instructor, the Instructor may appeal the revocation to the
- 250 Director of the Department and present evidence that the factors resulting in the
- 251 revocation have been resolved. If the Director determines that the revocation of
- 252 approval was not warranted, or that the issues that resulted in revocation have
- 253 been remedied, the Instructor's approval shall be reinstated, the instructor shall be
- 254 notified and the name of the Instructor shall be restored to the registry of
- 255 approved Instructors.
- 256

257 **Section 1231.40 Curriculum Approval**

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- 259 a) Application for curriculum approval shall be made by completing and submitting
260 a Request for Approval of a Concealed Carry License Firearms Curriculum form,
261 which is available on the Department's website.
262
- 263 b) The application must be complete, accurate, signed, and notarized. If the
264 application is not completed properly, it shall be returned to the applicant and
265 shall not be processed.
266
- 267 c) The applicant shall verify that the proposed curriculum meets the requirements set
268 forth in the Act and that the course will be taught in person, as described in this
269 Section.
270
- 271 d) Training necessary for issuance of the FCCL shall consist of 16 hours of
272 classroom and firearm training. Pursuant to Section 75(g), (h) and (i) of the Act,
273 fewer hours of training, or no additional training, will be acceptable in certain
274 instances indicating prior firearms training.
275
- 276 1) A 16 hour training course must, at a minimum, cover the following topics:
277
- 278 A) Firearms Safety – a minimum of 1 hour;
279
- 280 B) Basic Principles of Marksmanship – a minimum of 1 hour;
281
- 282 C) Care, Cleaning, Loading and Unloading of a Concealable Firearm
283 – a minimum of 1 hour;
284
- 285 D) All Applicable State and Federal Laws Relating to the Ownership,
286 Storage, Carry and Transportation of a Firearm – a minimum of 2
287 hours; and
288
- 289 E) Weapons Handling – a minimum of 1 hour.
290
- 291 2) An 8 hour training course must, at a minimum, cover the following topics:
292
- 293 A) All Applicable State and Federal Laws Relating to the Ownership,
294 Storage, Carry and Transportation of a Firearm – a minimum of 2
295 hours; and
296
- 297 B) Weapons Handling – a minimum of 1 hour.
298
- 299 3) For the topics to be included in the 16 hour and 8 hour training courses,
300 the minimum hours established in this subsection (d) have been
301 determined to be sufficient for the experienced shooter and shall be

302 adjusted upward by the approved instructor based upon the skill level of
303 those to be trained to ensure proficiency by all upon the completion of the
304 required training component.

305
306 e) A 3 hour licensure renewal course must, at a minimum, cover the following
307 topics:

308
309 1) Two hours to cover:

310
311 A) any updates to Illinois or federal firearms laws governing
312 concealed carry in Illinois;

313
314 B) updates in the Criminal Code Sections listed in Section 1231.10;
315 and

316
317 C) appropriate and lawful interaction with law enforcement while
318 transporting or carrying a concealed firearm; and

319
320 2) One hour of instruction to include a live fire qualification with a
321 concealable firearm using a B-27 silhouette target consisting of a
322 minimum of 30 rounds and 10 rounds from a distance of 5 yards, 10
323 rounds from a distance of 7 yards and 10 rounds from a distance of 10
324 yards.

325
326 f) The Department may request a complete course outline and instructional notes or
327 any additional course related information from the applicant. If the applicant
328 refuses the request, the application shall be deemed incomplete and returned to
329 the applicant.

330
331 g) Once approved by the Department, the curriculum may only be taught by an
332 Instructor approved by the Department under Section 1231.20 who is listed on the
333 registry of approved Instructors.

334
335 h) Upon receiving substantiated information that a curriculum is not consistent with
336 Section 75 of the Act, the Department may remove that curriculum from the list
337 of approved curriculums maintained on the Department's website.

338
339 i) Once a curriculum is removed from the list of approved curricula, the decision to
340 remove the curriculum from the list may be appealed to the Director of the
341 Department and evidence must be presented that the factors resulting in the
342 revocation have been resolved. If the Director determines that the removal of the
343 curriculum from the list was not warranted, or that the issues that resulted in that

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

346

347 **Section 1231.50 Training Certification**

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349 a) Approved Instructors shall complete the Department's Concealed Carry Firearms
350 Training Certification form, as available on the Department's website, for FCCL
351 applicants.

352

353 b) The Certification form shall only be completed for those applicants who the
354 Instructor trained in person for whom the Instructor can verify:

355

356 1) successful completion of the appropriate Department approved
357 curriculum; or

358

359 2) that the applicant has already successfully completed training through a
360 Department approved curriculum.

361

362 c) On the Certification form, the Instructor shall:

363

364 1) certify that the applicant successfully completed a 16 hour training course,
365 an 8 hour training course, or a 3 hour renewal training course; and

366

367 2) provide the unique identification number assigned by the Department to
368 the approved curriculum and the Instructor.

369

370 d) For those applicants who provided proof of up to 8 hours of training already
371 completed toward the 16 hours training, the Instructor shall:

372

373 1) verify the aggregate number of hours for which the applicant provided
374 proof of instruction in Firearms Safety, Basic Principles of Marksmanship,
375 and Care, Cleaning, Loading and Unloading of a Concealable Firearm,
376 based upon a list provided by the Department of accepted training courses,
377 and provide the necessary additional hours of training to equal 16 hours
378 total;

379

380 2) certify whether the applicant successfully completed the 8 hours training
381 required by Section 1231.40; and

382

383 3) provide the unique identification number assigned by the Department to
384 the approved curriculum and the Instructor.

385

- 386 e) The Instructor may certify up to 8 hours of prior training, consistent with Section
387 75 of the Act. The prior training may be substituted for no more than the
388 following number of hours in any of the topics required by Section 1231.40(d)(2):
389
- 390 1) Firearms Safety – a maximum of 2 classroom hours;
 - 391
 - 392 2) Basic Principles of Marksmanship – a maximum of 3 classroom and range
393 hours; and
 - 394
 - 395 3) Care, Cleaning, Loading and Unloading of a Concealable Firearm – a
396 maximum of 3 classroom and range hours.
397

398 **Section 1231.60 Issuance of License**
399

- 400 a) An FCCL shall expire 5 years after the date of issuance.
401
- 402 b) The Department shall, at least 60 days prior to the expiration of an FCCL,
403 forward to the last known address of each person whose FCCL is to expire a
404 notification of the expiration.
405
- 406 c) The Department shall make applications available via its website.
407
- 408 d) FCCL applicants must obtain a digital signature through the State of Illinois
409 before applying for an FCCL. The Department will provide a link to the digital
410 signature application through its website.
411
- 412 e) Applicants submitting fingerprints shall do so electronically by submitting a full
413 set of fingerprints to the Department in an electronic format using a Live Scan
414 vendor licensed by the Department of Financial and Professional Regulation or a
415 law enforcement agency registered by the Department. Manual fingerprints will
416 not be accepted.
417
- 418 f) Upon receiving a Live Scan Fingerprint Transaction Control Number (TCN) from
419 the licensed Live Scan vendor or law enforcement agency, the applicant shall
420 electronically complete and submit the FCCL to the Department.
421
- 422 g) The TCN for FCCL applicants will have a unique purpose code for the FCCL
423 application process. Concealed Carry Firearm Instructors may use the TCN
424 previously obtained for the instructor application process. No other previously
425 obtained TCNs may be used as they will not have the appropriate purpose code.
426

- 427 h) The database of FCCL applicants maintained by the Department pursuant to
428 Section 10(i) of Act shall be exempt from FOIA pursuant to FOIA Section 7.5(v)
429 [5 ILCS 140/7.5(v)].
430
431 1) Persons authorized to access the database shall register with the
432 Department to obtain a unique password granting them secure access to
433 the database.
434
435 2) The entity employing persons requesting access to the database shall
436 appoint a person to act as the entity's point of contact and shall enter into
437 an agreement with the Department defining the security protocols of the
438 database and access to the database.
439

440 **Section 1231.70 Objections**
441

- 442 a) Criminal history background checks for all FCCL applicants shall be conducted
443 by the Department. Law enforcement officials who wish to raise an objection to
444 an FCCL applicant shall not use LEADS to run background checks to determine
445 FCCL eligibility.
446
447 b) Law enforcement officials may submit objections outside of the criminal history
448 background check procedure via an electronic objection process available on the
449 Department's website. Manual submissions and LEADS information shall not be
450 accepted.
451
452 1) Law enforcement officials submitting an objection shall provide a
453 narrative outlining the detailed reason for the objection.
454
455 2) Law enforcement officials submitting an objection shall attach any
456 available documentation, other than information obtained from LEADS,
457 supporting their objection.
458
459 c) The Department may deny an application based upon a disqualifier identified
460 through the criminal history background check pursuant to Section 25 of the Act;
461 however, the local law enforcement official shall be permitted to submit
462 objections for the duration of the objection period prescribed by Section 15 of the
463 Act.
464
465 d) If, upon or after receiving an objection from a local law enforcement official, an
466 FCCL applicant is disqualified through the criminal history background check
467 conducted under Section 25 of the Act, the Department shall maintain a record of
468 those objections. The objections shall not be forwarded to the Concealed Carry
469 Licensing Review Board for further consideration.

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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 as 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) 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.
- b) 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.
- c) FCCA applicants shall select whether they prefer to receive Department notification via e-mail or written notification. If selecting e-mail notifications,

513 applicants shall provide a current e-mail address to the Department as part of the
514 application process and are responsible for checking the e-mail address provided
515 for correspondence from the Department regarding the application.
516

517 d) If any of the FCCA applicant's contact information changes, including but not
518 limited to her or her e-mail address, the FCCA applicant shall amend his or her
519 application to notify the Department of the corrected contact information.
520

521 e) Upon receipt of an incomplete application, the Department shall notify the FCCL
522 applicant and advise the applicant as to what information is missing. The
523 application shall not be deemed complete and the provisions of 430 ILCS 6/10(e)
524 shall not apply until the FCCA applicant provides a complete application
525 including the requested missing information.
526

527 f) If an FCCA applicant has not provided the missing information in response to the
528 Department's notification within 60 days of notice from the Department, the
529 application shall be denied.
530

531 **Section 1231.110 Non-Resident Application**
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533 a) Pursuant to Section 40(b) of the Act, non-resident FCCL applications will only be
534 accepted from persons licensed or permitted to carry firearms, concealed or
535 otherwise, in public, in a substantially similar state.
536

537 b) The Department shall post on its website a list of all states determined to be
538 substantially similar.
539

540 c) The Department shall determine which states are substantially similar, as defined
541 in Section 1231.10, to Illinois in their manner of regulating concealed carry of
542 firearms by surveying all other states.
543

544 d) Non-resident FCCL applicants shall obtain a non-resident eligibility affidavit
545 from the Department's website.
546

547 1) The affidavit must be completed and notarized by all non-resident FCCL
548 applicants.
549

550 2) A copy of the affidavit must be submitted as an electronic attachment to
551 the non-resident's FCCL application through the on-line application
552 process.
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554 3) The original affidavit with notary stamp must be retained by the non-
555 resident FCCL applicant and provided to the Department upon request.

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- 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 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.

- 599 b) Any required attachment or attachments shall be submitted to the Department
600 electronically by uploading them as an attachment.
601
- 602 c) The original statements with notary stamp must be retained by the licensee and
603 provided to the Department upon request.
604
- 605 d) Upon receipt of an incomplete change request, the Department shall notify the
606 FCCL applicant and advise what information is missing. If an FCCL applicant
607 has not provided the missing information in response to the Department's
608 notification within 60 days of notice from the Department, the request shall be
609 denied.
610

611 **Section 1231.140 Fees**

- 612
- 613 a) FCCL applicants shall pay the fee in full when submitting their application.
614
- 615 b) All fees shall be collected using the Illinois State Treasurer's E-Pay program. A
616 convenience fee will be charged in accordance with the Illinois State Treasurer's
617 E-Pay program.
618

619 **Section 1231.150 Prohibited Areas**

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

- 623
- 624 a) A template for signs required pursuant to Section 65(d) of the Act shall be made
625 available by the Department on its website.
626
- 627 b) Owners of prohibited areas may utilize signage larger in size than the template
628 provided at their discretion. If prohibited areas use a larger sign, the template
629 provided shall be reproduced no smaller than the 4" x 6" dimension required by
630 the Act somewhere on the larger sign.
631
- 632 c) Prohibited areas may include additional language on their signs. If prohibited
633 areas include additional language, the template provided shall be reproduced no
634 smaller than the 4" x 6" dimension required by the Act somewhere on the sign.
635
- 636 d) The required signs shall be placed in such a manner as to provide persons entering
637 the prohibited area reasonable notice that they are entering a prohibited area and
638 may not carry a concealed firearm, pursuant to the Act, therein.
639

640 **Section 1231.160 Law Enforcement Fingerprinting Registration**

641

- 642 a) Law enforcement agencies that plan to submit to the Department Electronic
643 Fingerprint Fee Applications (EFFA, the application submitted by a person being
644 electronically fingerprinted) for FCCL applicants shall sign a memorandum of
645 understanding between the agency and the Department establishing the
646 requirements of the applicable State statutes and federal laws for the submission
647 of non-criminal justice fingerprint transactions to the Department or the Federal
648 Bureau of Investigation (FBI).
649
- 650 b) Fingerprint images, a photograph of the individual being fingerprinted, and
651 related alpha numeric identification data shall be submitted to the Department via
652 electronic transmission utilizing live scan procedures and equipment approved by
653 the Department. The photograph provision will be waived for applicants with a
654 physical disability or ailment that could result in the taking of a photograph
655 causing the applicant harm in any way.
656
- 657 c) A law enforcement agency's equipment and transmission of all types of
658 transactions shall be certified by the Department.
659
- 660 d) All employees responsible for taking fingerprints for the purposes of the Act shall
661 require each individual seeking to be fingerprinted to present primary or
662 secondary identification in order to be fingerprinted by the agency.
663
- 664 1) Primary identification shall mean a valid driver's license or Secretary of
665 State issued State identification card.
666
- 667 2) In the absence of a driver's license or Secretary of State issued State
668 identification card, secondary identification shall mean the individual
669 seeking to be fingerprinted shall provide at least two forms of
670 identification within the Identity Verification Program Guide (2006)
671 developed and available from the National Crime Prevention and Privacy
672 Compact Council from the FBI website ([http://www.fbi.gov/about-](http://www.fbi.gov/about-us/cjis/cc/current-initiatives/identity-verification-program-guide)
673 [us/cjis/cc/current-initiatives/identity-verification-program-guide](http://www.fbi.gov/about-us/cjis/cc/current-initiatives/identity-verification-program-guide)).
674
- 675 e) All FCCL applicants who submit an EFFA shall be required to sign a consent
676 form prior to fingerprinting. The privacy statement within the consent form shall
677 be approved by the Department.
678
- 679 f) Agencies must maintain a record of all documentation and non-criminal justice
680 transactions submitted to the Department for the purpose of auditing by the
681 Department or the FBI and make its records available for that auditing.
682

- 683 g) All employees responsible for taking fingerprints for non-criminal justice
684 purposes shall successfully complete a fingerprint training course conducted or
685 authorized by the Department.
686
- 687 h) Agencies shall be required to establish a fiscal account with the Department of
688 State Police-Bureau of Identification for the purpose of facilitating the payment of
689 State and FBI background checks. The agencies shall be invoiced monthly for all
690 submissions received by the agency the prior month. The Department shall not
691 accept individual payments from the persons printed.
692

693 **Section 1231.170 Suspensions**

- 694
- 695 a) A licensee, who is in violation of Section 70(d), shall be suspended for a period of
696 6 months upon conviction of the second violation.
697
- 698 b) The Department shall provide written notice to the licensee of the suspension.
699

700 **Section 1231.180 Appeals**

- 701
- 702 a) An individual whose application for an FCCL is denied or whose FCCL is
703 suspended or revoked may petition the Department for relief unless the denial is
704 based upon a determination of the CCLRB. A denial based upon a determination
705 of the CCLRB may be appealed through petition to the circuit court in the county
706 of the applicant's residence, pursuant to Section 87(a) of the Act.
707
- 708 b) Individuals who wish to request relief from the Department shall provide written
709 notice to the Department within 60 days of receipt of the notice that their FCCL
710 application is denied or their FCCL is revoked to begin the appeal process.
711
- 712 c) The petitioner must provide to the Department any reasonable documentation
713 requested by the Department related to the determination for granting relief.
714
- 715 d) Upon receiving complete documentation for the appeal, the Department will
716 investigate the circumstances surrounding the denial or revocation action. If the
717 Director is satisfied that substantial justice has not been done, the Director or his
718 or her designee may grant relief.
719
- 720 e) The appeal process shall not begin until the Department has received all the
721 necessary documentation.
722
- 723 f) In the event the Director or his or her designee desires additional information
724 concerning the circumstances surrounding the denial or revocation action, the

- 725 Director may schedule a fact-finding conference with the petitioner or request
726 additional information.
727
- 728 g) The Director or his or her designee may grant or deny relief as a result of the fact-
729 finding conference.
730
- 731 h) At a fact-finding conference, the petitioner may be represented by counsel or
732 present witnesses who have direct knowledge of the circumstances of the denial
733 or revocation and may present any evidence or information relating to the
734 Department's action.
735
- 736 i) If the Director does not provide relief as a result of the investigation or a fact-
737 finding conference, the petitioner may request an administrative hearing. The
738 request for hearing must be in writing and sent to the Firearms Services Bureau,
739 Appeals Unit.
740
- 741 j) The administrative law judge (ALJ) for contested hearings shall be an attorney
742 licensed to practice law in Illinois appointed by the Director. The ALJ may be
743 disqualified for bias or conflict of interest.
744
- 745 k) The procedures for the hearing shall be as described in Article 10 of the
746 Administrative Procedure Act [5 ILCS 100/Art. 10] and as ordered by the ALJ.
747
- 748 l) In the event relief is denied, a new application from the petitioner will not be
749 accepted until two years have passed since the date of the last denial.