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FIREARM OWNER’S IDENTIFICATION CARD REVIEW BOARD

NOTICE OF EMERGENCY AMENDMENTS

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER XII: FIREARM OWNER'S IDENTIFICATION CARD REVIEW BOARD

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AUTHORITY: Implementing Public Act 102-237 and authorized by Section 10(a-5)(4) of the Firearm Owners Identification Card Act [430 ILCS 65].

SOURCE: Recodified from 20 Ill. Adm. Code 1230 pursuant to Public Act 102-237, at 47 Ill. Reg. 2475; emergency amendment at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days.

SUBPART A: GENERAL PROVISIONS**Section 3500.100 Definitions****EMERGENCY**

For purposes of this Part~~Section 1230.75~~, these additional terms shall have the following meanings:

"Act" or "FOID Act" means the Firearm Owners Identification Card Act [430 ILCS 65].

"Appeal" means a plea for the appropriate circuit court in Illinois to review the basis for the denial of a FOID application or revocation of a FOID Card that is within their jurisdiction.

"Board" means the Firearms Owner's Identification Card Review Board.

"Department" or "ISP" means the Illinois State Police.

"Firearms prohibitor" means one of the grounds for denial and revocation under Section 8 of the Firearm Owners~~Firearms Owner's~~ Identification Card Act [430 ILCS 65/8].

"Petitioner" means a person who has submitted a request for the Board to review the denial of a FOID Application or revocation of a FOID Card.

"Record challenge" means a plea for the ISP to review the record serving as the basis for the denial of a FOID Application or revocation of a FOID Card to determine whether the decision was made in error.

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"Request for relief" means a plea for the ~~Board~~Department to review the denial of a FOID Application or revocation of a FOID Card that is within the jurisdiction of the ~~Board~~Department and grant relief from the relevant firearms prohibitor.

(Source: Emergency amendment at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

Section 3500.110 Duties
EMERGENCY

- a) The Department and the Board are part of Illinois' FOID Card system, created to afford law enforcement authorities the opportunity to identify persons who are not qualified to acquire or possess firearms and firearm ammunition in Illinois, and are responsible for considering a FOID Card holder's or applicant's criminal history record and eligibility pursuant to Section 10(a) and 10(a-5) of the Act.
- b) The Board shall consider any appeal under subsection (a) of the Act beginning January 1, 2023, other than an appeal directed to the circuit court and except when the applicant is challenging the record upon which the decision to deny or revoke was based as provided in subsection (a-10) of the Act. (Section 10(a-5) of the Act)

(Source: Emergency rule added at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

Section 3500.120 Department Liaison to the Board
EMERGENCY

- a) Pursuant to Section 10 of the Act, the Board shall exercise its powers and duties in an independent manner, subject to the provisions of this Act but free from the direction, control, or influence of any other agency or department of State government. (Section 10(a-5)(0.05) of the Act)
- b) The Department shall designate an employee to serve as Executive Director of the Board and provide logistical and administrative assistance to the Board. (Section 10(a-5)(2) of the Act)

(Source: Emergency rule added at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

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Section 3500.130 Meetings
EMERGENCY

- a) The Board shall meet at least quarterly each year and at the call of the chairperson as often as necessary to consider appeals of decisions made with respect to applications for a Firearm Owner's Identification Card under this Act.
- 1) Whenever practicable, the Chairperson shall give members a minimum of 5 calendar days' advance notice prior to the date of a meeting.
 - 2) The Chairperson, or a designee, shall preside over all meetings.
- b) If necessary to ensure the participation of a member, the Board shall allow a member to participate in a Board meeting by electronic communication. Any member participating electronically shall be deemed present for purposes of establishing a quorum and voting. (Section 10(a-5)(3) of the Act)
- c) Meetings of the Board shall not be subject to the Open Meetings Act and records of the Board shall not be subject to the Freedom of Information Act. (Section 10(a-5)(8) of the Act)

(Source: Emergency rule added at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

Section 3500.140 Conflicts of Interest
EMERGENCY

- a) No member, including the Chairperson, shall participate in any Board business, including, but not limited to, voting, when that member has a conflict of interest.
- b) For the purposes of this Section, whether a member has a conflict of interest shall be determined by the following guidelines:
- 1) A member has a conflict of interest and shall not preside over or otherwise vote in a matter in which:
 - A) the member knows the petitioner either through personal or professional interactions and those interactions are likely to impact

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the member's judgement, including but not limited to cases involving family members such as parents, spouses, and children.

B) the member's interest, through business, investment, personal relationships, or family, reasonably creates the appearance of impropriety in the performance of the member's duties on the Board.

2) Examples of conflicts of interest include, but are not limited to, the following:

A) using public office for direct or indirect private gain;

B) giving preferential treatment to any organization or person;

C) losing independence or impartiality of action;

D) making a government decision outside official channels; or

E) otherwise adversely affecting the confidence of the public in the integrity of the Board.

c) Disclosure

Prior to the Board taking any action on a matter in which a member has or may have a conflict of interest, the interested member shall disclose that interest to the other members.

d) Determination of Conflict of Interest

A member may use any of the following procedures to determine whether the member's own interest or the interest of another member constitutes a conflict of interest:

1) The member may request the advice of the Board's Executive Director, who shall promptly render a recommendation to the Board; or

2) The member may ask the Board to determine whether the interest constitutes a conflict of interest.

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- A) The Board shall ask the member with the potential conflict of interest to leave the meeting during any discussion or deliberation regarding whether a conflict of interest exists.
- B) A majority of the non-interested members present at a meeting at which a quorum is present shall determine whether a conflict of interest exists.
- C) The interested member shall be counted for purposes of determining whether a quorum is present but shall not participate in the deliberations or vote regarding whether a conflict of interest exists.
- e) Prior to any determination of a conflict of interest and, even if, after a determination, a conflict of interest is found not to exist, the reporting member may indicate the member's decision to abstain from any Board action regarding the matter as to which the potential conflict of interest exists and, when appropriate, to recuse himself or herself from any Board discussion and determination of the pending matter.
- f) Procedure When a Conflict of Interest is Determined
Upon the Board's determination that a conflict of interest exists, the member with the conflict of interest shall not access any documentation or records regarding the petitioner or participate in the Board's discussion and determination of the matter. In addition, when appropriate, the member with the conflict of interest shall recuse himself or herself from any deliberations and determinations.

(Source: Emergency rule added at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

Section 3500.150 Reporting
EMERGENCY

The Board shall report monthly to the Governor and the General Assembly on the number of appeals received and provide details of the circumstances in which the Board has determined to deny Firearm Owner's Identification Cards under subsection (a-5) of the Act. The report shall not contain any identifying information about the petitioners. (Section 10(a-5)(9) of the Act)

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(Source: Emergency rule added at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

SUBPART B: REQUEST REQUIREMENTS**Section 3500.200 Requests~~Request~~ for Relief within the Jurisdiction of the Board
EMERGENCY**

- a) ~~The Department and the Board are part of the criminal justice process responsible for reviewing a FOID Card holder's or applicant's criminal history record and eligibility pursuant to Section 10(a) and 10(a-5) of the Act.~~ Any person wishing to file a request for relief after a FOID Application~~Card application~~ denial or FOID Card suspension, ~~or~~ revocation or seizure, or who is prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 2012 [720 ILCS 5], must complete their petition for review no later than 90 days after the notice of FOID Card denial or FOID Card revocation was sent and must first submit a Request for ~~FOID Investigation,~~ Relief, and Reinstatement of Firearms Rights form to the Board~~Department~~, which is available on the Board's~~Department's~~ website. The following additional requirements apply depending upon the type of request for relief filed:
- 1) Law Enforcement Officers; Expedited Relief Pursuant to Section 10(c-5) of the Act
 - A) Law enforcement officers (officers) requesting expedited relief from the Department shall submit an Affidavit for Law Enforcement Expedited Relief, which is available on the Board's~~Department's~~ website at <https://isp.illinois.gov/FOIDCardReviewBoard/FormsAndChecklists>~~<https://isp.illinois.gov/FirearmsSafety/Forms>~~, ~~within 60 days after receipt of a FOID Card application denial notice or a FOID Card revocation notice~~ to begin the relief process. The officer must use the affidavit to certify the requirements of Section 10(c-5) of the Act are met for expedited relief.
 - B) Pursuant to Section 10(c-5) of the Act, officers must provide the Board~~Department~~ with the following documentation:

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i) all information set forth on the Law Enforcement Expedited Requirements Checklist, which includes, but is not limited to:

- a personal statement;
- an affidavit certifying the officer meets the requirements of Section 10(c-5) of the Act;
- psychiatric and counseling records;
- a current forensic evaluation including an assessment of your potential risk for future violence;
- a psychological fitness for duty;
- certified copies of relevant court records;
- at least two character references; and
- a firearm requirement for employment certification.

The checklist~~that~~ is available on the Board's~~Department's~~ website at

<https://isp.illinois.gov/FoidCardReviewBoard/FormsAndChecklist>~~<https://isp.illinois.gov/FirearmsSafety/Forms>~~; and

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

C) If the officer establishes, by a preponderance of the evidence, that the officer will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest, the Board~~Department~~ shall grant relief (see Section 10(c-5f) of the Act) from the firearms prohibitor.

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- 2) Commitment to a Mental Health Facility and Clear and Present Danger Incidents Within The Past Five Years~~Designations within the past five years~~; Relief Pursuant to Section 10(f) of the Act:
- A) An individual whose application for a FOID Card is denied or whose FOID Card is revoked or seized due to~~for~~ a commitment to a mental health facility within the preceding five years or being reported~~designated~~ as a clear and present danger when the incident giving rise to the report occurred within the preceding five years, may petition the Board~~Department~~ for relief.
- B) Petitioners~~Individuals~~ requesting relief from the Board~~Department~~ shall submit a Request for FOID Investigation, Relief, and Reinstatement of Firearms Rights, which is available on the Department's website at <https://isp.illinois.gov/FirearmsSafety/Forms>, within 60 days after receipt of a FOID Card application denial notice or a FOID Card revocation notice to begin the relief process.~~C)The individual~~ must provide the Board~~Department~~ with the following documentation:
- i) All information set forth on the Mental Health Admission or Clear and Present Danger Less Than 5 Year Prohibitor Requirements Checklist, which includes, but it not limited to:
- a personal statement;
 - psychiatric and counseling records;
 - a current forensic evaluation including an assessment of your potential risk for future violence;
 - certified copies of relevant court records;
 - at least two character references; and
 - a firearm requirement for employment certification, where applicable.

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The checklist ~~that~~ is available on the ~~Board's~~ ~~Department's~~ website at

<https://isp.illinois.gov/FoidCardReviewBoard/FormsAndChecklists> ~~https://isp.illinois.gov/FirearmsSafety/Forms;~~

- ii) any other reasonable documentation requested by the ~~Board~~ ~~Department~~ related to the determination for granting relief.
- D) If the ~~petitioner~~ ~~individual~~ establishes, by a preponderance of the evidence, that the ~~petitioner~~ ~~individual~~ will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest, then the ~~Board~~ ~~Department or its designee~~ shall grant relief from the relevant firearms prohibitor. (See Section 10(~~fa~~) of the Act).
- 3) Felony Convictions; Relief Pursuant to Section 10(a) or 10(c) of the Act.
 - A) An individual whose application for a FOID Card is denied or whose FOID Card is revoked because of a felony conviction may petition the ~~Board~~ ~~Department~~ for relief unless the appeal must be directed to the circuit court in the county of the individual's residence pursuant to Section 10(a) of the Act.
 - B) ~~Petitioners~~ ~~Individuals~~ requesting relief from the ~~Board~~ ~~Department~~ shall submit a Request for FOID Investigation, Relief, and Reinstatement of Firearms Rights, which is available on the Department's website <https://isp.illinois.gov/FirearmsSafety/Forms>, within 60 days after receipt of a FOID Card application denial notice or a FOID Card revocation notice to begin the relief process. ~~C) The individual~~ must provide the ~~Board~~ ~~Department~~ with the following documentation:
 - i) All information set forth on the Felony Prohibitor Requirements Checklist, which includes, but is not limited to:
 - a personal statement;

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- psychiatric and counseling records, where applicable;
- certified copies of relevant court records, where applicable; and
- at least two character references.

The checklist ~~that~~ is available on the Board's ~~Department's~~ website at <https://isp.illinois.gov/FoidCardReviewBoard/FormsAndChecklists> ~~<https://isp.illinois.gov/FirearmsSafety/Forms>~~; and

- ii) any other reasonable documentation requested by the Board ~~Department~~ related to the determination for granting relief.

CD) If the petitioner establishes to the Board's satisfaction that the petitioner ~~individual~~ meets the standard set forth in Section 10(c) of the Act, the Board may ~~Department or its designee shall~~ grant relief from the relevant firearms prohibitor.

4) Developmental or Intellectual Disabilities; Relief Pursuant to Section 10(c-10) of the Act

A) An individual, whose application for a FOID Card is denied or whose FOID Card is revoked or seized based upon a determination of a developmental disability or an intellectual disability, may petition the Board for relief.

B) Petitioners requesting relief from the Board must provide the Board with the following documentation:

- i) All information set forth on the Developmental or Intellectual Disabilities Prohibitor Requirements Checklist, which includes, but is not limited to:

- a current certification for firearm possession;

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- psychiatric and counseling records, where applicable;
- certified copies of relevant court records, where applicable; and
- at least two character reference.

The checklist is available on the Board's website at <https://isp.illinois.gov/FoidCardReviewBoard/FormsAndChecklists>;

- ii) any other reasonable documentation requested by the Board related to the determination for granting relief.
- C) If a physician, clinical psychologist, or qualified examiner, and by a preponderance of the evidence, that granting relief would not be contrary to the public interest or federal law, then the Board or its designee may grant relief from the relevant firearms prohibitor. (See Section 10(c-10) of the Act).
- 5) Battery, Assault, Aggravated Assault, or Violations of an Order of Protection, In Which a Firearm Was Used or Possessed; Relief Pursuant to Section 10(a) or 10(c) of the Act
- A) An individual whose application for a FOID Card is denied or whose FOID Card is revoked because of a misdemeanor conviction in which a firearm was used or possessed within the preceding five years as set forth in Section 8(k) of the Act, may petition the Board for relief.
 - B) Petitioners requesting relief from the Board must provide the Board with the following documentation:
 - i) All information set forth on the Misdemeanor Prohibitor Requirements Checklist, which includes, but is not limited to:

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- a personal statement;
- psychiatric and counseling records, where applicable;
- certified copies of relevant court records, where applicable; and
- at least two character references.

The checklist is available on the Board's website at <https://isp.illinois.gov/FoidCardReviewBoard/FormsAndC hecklists>; and

- ii) any other reasonable documentation requested by the Board related to the determination for granting relief.
- C) If the petitioner establishes to the Board's satisfaction that the petitioner meets the standard set forth in Section 10(c) of the Act, the Board may grant relief from the relevant firearms prohibitor.
- b) A petitioner whose FOID Card was revoked or seized must comply with Section 9.5 of the Act prior to initiating a request for relief with the Board.
- c) The request for relief process will not begin until the Board receives~~Department has received~~ all the ~~required~~ documentation required in subsection (a).
- 1) If a petitioner~~an individual~~ fails to provide all ~~of the~~ required documentation no later than 90~~within 60~~ days after ~~receipt of~~ the notice of FOID Card denial or FOID Card revocation was sent, the request for relief will be ~~dismissed~~~~denied~~ and the case will be closed. Notwithstanding subsection 3500.200(a), the Board may grant an additional time to any petitioner who submits proof of hospitalization, incarceration or other extenuating circumstances that prevent compliance with the 90-day requirement.
 - 2) Notwithstanding subsection 3500.320(f), a petitioner dismissed pursuant to this subsection (c) may submit a new application for a FOID Card with the Department.

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- d) Materials required by this Section must be submitted to the Board via email at the following address:
- ISP.FCRB.ReliefRequest@illinois.gov
- 1) Paper copies will only be accepted from petitioners with appropriate proof that the petitioner is unable to access the internet due to religion or a disability. Proof of disability includes, but is not limited to, documentation from:
- A) the Social Security Administration;
- B) the Illinois Worker's Compensation Commission;
- C) the U.S. Department of Defense;
- D) an insurer authorized to transact business in Illinois who is providing disability insurance coverage; or
- E) a physician or health care provider licensed in this State and is in the position to know the petitioner's medical condition.
- 2) Please contact the Board at (217) 524-1762 for further direction regarding submitting paper copy documentation to the Board.
- e) ~~Effective January 1, 2023, pursuant to Section 10(a-5) of the FOID Act, the Board shall consider any appeal under subsection (a) beginning January 1, 2023, other than an appeal directed to the circuit court and except when the applicant is challenging the record upon which the decision to deny or revoke was based as provided in subsection (a-10) of the Act. In the event a final administrative decision is rendered and the individual's request for relief is denied, a new application from the individual will not be accepted until two years have passed since the date of the last denial unless directed to do so by a court with appropriate jurisdiction.~~

(Source: Emergency amendment at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

Section 3500.210 Requests within the Jurisdiction of the Department or Court

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- a) Any person whose FOID Card Application was denied or whose FOID Card was revoked but not seized for a firearm prohibitor where the disqualification is not permanent grounds for revocation under the Act, may reapply for a FOID Card once the firearms prohibitor has expired and need not initiate a Request for Relief and Reinstatement of Firearms Rights with the Board. For example, this includes persons previously denied or revoked pursuant to Section 8(e), 8(f), 8(k), or 8.2 of the Act where the prohibitor has expired.
- 1) Once the firearm prohibitor has expired, the individual may submit a new FOID Card application to the Department but must comply with Section 8 of the Act and 20 Ill. Adm. Code 1230.70.
 - 2) Pursuant to Section 4 of the Act, the Department determines the eligibility of an applicant for a FOID Card.
- b) *Whenever an applicant or cardholder is not seeking relief from a firearms prohibition under subsection (10)(c) of the Act but rather does not believe the applicant is appropriately denied or revoked and is challenging the record upon which the decision to deny or revoke the Firearm Owner's Identification Card was based, or whenever the Department fails to act on an application within 30 days of its receipt, the applicant shall file such challenge with the Department. (Section 10(a-10) of the Act)*
- c) Any individual who receives a pardon, receives an expungement, or is granted relief by a court allowing for the restoration of firearms rights may reapply for a FOID Card and need not initiate a request for relief and reinstatement of firearms rights with the Board. Pursuant to Section 4 of the Act, the Department determines the eligibility of an applicant for a FOID Card.
- d) Notwithstanding Section 3500.200, any individual, who due to multiple firearms prohibitors must also appeal to the circuit court in the county of the individual's residence for a hearing pursuant to Section 10 of the Act, may include in their appeal before the circuit court any firearms prohibitors that would otherwise be within the jurisdiction of the Board.

(Source: Emergency rule added at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

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SUBPART C: REVIEW OF APPEALS AND CONDUCT OF HEARINGSSection 3500.300 Consideration of Requests for Relief
EMERGENCY

- a) Upon timely receipt of all information required in Section 3500.200 for a request for relief, the Executive Director shall request a copy of the Department's record regarding the petitioner.
- b) Upon receipt of the Department's record, the Executive Director shall make a record available to the Board members containing all information received from the petitioner, as well as the Department.
 - 1) Board members will be responsible for reviewing the record and may request additional information from the petitioner or the Department. The petitioner and Department shall have 10 business days to submit any additional information requested.
 - 2) If a quorum of the Board is satisfied that there is sufficient evidence to consider whether the petitioner has met its burden of proof under Section 10(c) of the Act, the Board members will consider all information provided in the record, vote on the electronic voting record made available for this purpose, and issue a final administrative decision.
 - 3) If a quorum of the Board is not satisfied that there is sufficient evidence to consider whether the petitioner has met its burden of proof under Section 10(c) of the Act, the Board shall provide a notice of insufficient evidence to the petitioner. The notice will include information on how the petitioner may request a hearing before a quorum of the Board.
 - A) If the petitioner wants to request a hearing, the petitioner must do so within 30 days from the date notice of insufficient evidence is sent.
 - B) The request for a hearing must be in writing on forms made available by the Department through its website.

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- C) If a hearing is not requested, a final administrative decision will be entered based upon the record available.
 - D) If a hearing is requested, Board members will not vote or render a final administrative decision until after the requested hearing can be held.
- c) Upon completion of the electronic voting record by all Board members, the Executive Director will prepare an order for the Board consistent with the majority vote.

(Source: Emergency rule added at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

Section 3500.310 Conduct of Hearings
EMERGENCY

- a) Hearings of the Board will be conducted when a quorum of the members is present in person, by video, telephonically or by other electronic means. The hearing shall be recorded.
- b) The Board shall determine the date, time and location of any hearing. The Board shall make reasonable efforts to hold the hearing at a date, time and location convenient to all parties.
- c) The Chairperson shall preside over the hearing.
- d) Any testimony requested by the Board shall be under oath or affirmation.
- e) Petitioners may be represented by counsel and present evidence relating to the request for relief. Hearings shall be closed to the public.
- f) The procedures for admissibility of evidence shall be as described in Section 10-40 of the Illinois Administrative Procedure Act [5 ILCS 100/10-40] and as ordered by the Chairperson.
- g) Deliberations of the Board, upon conclusion of a hearing held pursuant to this Section, shall be held in executive session without the petitioner or other participants in the hearing present and shall not be subject to either the Open

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Meetings Act [5 ILCS 120] or the Freedom of Information Act [5 ILCS 140].
(See Section 10(a-5)(8)).

- h) No later than 30 days from the date of any final administrative decision by the Board, the petitioner may make a written request to the Board for a transcript of the recording made at the hearing.
- 1) The cost of transcription shall be the responsibility of the petitioner.
 - 2) Fees shall not exceed the actual cost for the preparation of the transcript.
 - 3) The record need not be transcribed unless the Board receives a written request and fee from the petitioner in accordance with this Section.

(Source: Emergency rule added at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

Section 3500.320 Decisions of the Board
EMERGENCY

- a) The Board shall make a record, electronically or by other reliable means, of the final votes cast by each individual member upon their review of the request for relief record or at the conclusion of the hearing, if one is requested.
- b) The Board shall issue an order either granting or denying the request for relief based upon the majority vote. If the Board denies relief, the Board shall detail the circumstances warranting denial.
- c) The Board shall issue a decision within 45 days of receiving all completed appeal documents from the Department and petitioner, unless:
 - 1) the petition is for expedited relief from an eligible active law enforcement officer pursuant to Section 10(c-5) of the Act and must be acted on within 30 business days of receipt;
 - 2) the plea is from an individual determined to be developmentally or intellectually disabled pursuant to Section 10(c-5) of the Act and must be acted on within 60 days of receipt of the required certification unless the timeline is tolled for a fact-finding conference;

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- 3) *the Board requests information from the petitioner, including, but not limited to, electronic fingerprints to be submitted to the Illinois State Police, in accordance with paragraph (5) of Section 10(a-5) of the Act, in which case the Board shall make a decision within 30 days of receipt of the required information from the petitioner;*
 - 4) *the petitioner requests a hearing and agrees, in writing, to allow the Board additional time to consider an appeal; or*
 - 5) *the Board notifies the petitioner, and the Department, it needs an additional 30 days to issue a decision, which may be requested no more than two times and shall include an explanation for the extension. (Section 10(a-5)(6) of the Act)*
- d) For matters transferred to the Board by the Department, the Board shall issue a decision within 45 days of receiving all completed appeal documents from the Department, unless extended in accordance with subsection (c).
- e) The Board shall provide notice of its decision to the petitioner and Department by providing a copy of its order to the petitioner and the Department.
- 1) Where the Department determines it is appropriate, the Department will reinstate the petitioner's firearms rights, issue a FOID Card, and *update, correct, modify, or remove the person's record in any database that the Illinois State Police makes available to the National Instant Criminal Background Check System* to reflect that the basis for the firearms prohibitor for which relief has been granted no longer applies within 15 business days of the Board's decision. (Section 10(f) of the Act)
 - 2) Out-of-state residents who petition the Board pursuant to Section 10(c) of the Act and are granted relief by the Board shall not be issued a FOID Card but rather shall only have their record corrected. (Section 4(a)(2) of the Act)
- f) An order of the Board is a final administrative decision and subject to judicial review pursuant to Section 11 of the Act.

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(Source: Emergency rule added at 47 Ill. Reg. 6196, effective April 17, 2023, for a maximum of 150 days)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

SECOND NOTICES RECEIVED

The following second notices were received during the period of April 11, 2023 through April 17, 2023. The rulemakings listed are scheduled for May 16, 2023 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
5/26/23	<u>Illinois State Board of Education</u> , Freedom Schools Grant Program (23 Ill. Adm. Code 269)	12/9/22 46 Ill. Reg. 19312	5/16/23
5/28/23	<u>Illinois State Board of Investment</u> , State (of Illinois) Employees' Deferred Compensation Plan (80 Ill. Adm. Code 2700)	2/24/23 47 Ill. Reg. 2641	5/16/23

ILLINOIS ADMINISTRATIVE CODE
Issue Index - With Effective Dates

Rules acted upon in Volume 47, Issue 17 are listed in the Issues Index by Title number, Part number, Volume and Issue. Inquiries about the Issue Index may be directed to the Administrative Code Division at (217) 782-7017/18.

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89 - 140	5872
89 - 148	5906
50 - 2008	5923

ADOPTED RULES

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