

FOID ACT UPDATES



Public Act 102-0237

On June 29, 2021, the General Assembly passed substantial improvements to the FOID Act. This Daily Bulletin provides a summary of and guidance on relevant provisions of the legislation which will be effective on January 1, 2022.

Caution: Beginning January 1, 2022, there will be in circulation and possessed by the public:

- FOID Cards with and without expiration dates printed on the face;
- CCLs with expiration dates printed on the face; and
- Combined FOID and CCLs without expiration dates printed on the face.

Law enforcement officers are encouraged to check the expiration and status of all FOID, CCL, and combined cards in LEADS prior to taking any law enforcement action regarding a person's FOID and/or CCL status.



Current FOID Card



Current Concealed Carry License



Front Side New Card Stock



Reverse Side New Card Stock



Example New Combined Card

FOID Card Expiration – (430 ILCS 65/6) (Amended)

- (a) “A Firearm Owner's Identification Card, issued by the Department of State Police at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph, except as provided in subsection (c-5), and signature. Each Firearm Owner's Identification Card must have the Firearm Owner's Identification Card number ~~expiration date~~ **boldly and conspicuously displayed on the face of the card....”**

Summary: The requirement that the expiration date be printed on the face of a FOID Card has been removed from the statute. FOID Cards with expiration dates printed on their face will be phased out over time. The expiration date has been removed to accommodate the new auto-renewal provisions so that cards are not consistently being reprinted.

Future Guidance:

- Beginning January 1, 2022, as FOID Cards are replaced, new cards will be printed without expiration dates.
- Until all FOID Cards have been replaced, both types will be in circulation.
- Whenever a new FOID Card is issued, if the cardholder has a valid CCL, the cardholder will be issued a combined FOID Card and CCL. These combined cards
 - will not have an expiration date printed on the face of the card; and
 - will serve as both the cardholder's FOID and CCL.
- The expiration and status of all FOID Cards and CCLs will be available to law enforcement officers through LEADS.

FOID Card Suspension – (430 ILCS 65/8.3) (Amended)

Sec. 8.3. Suspension of Firearm Owner's Identification Card.

The Department of State Police may suspend ~~, by rule in a manner consistent with the Department's rules concerning revocation, provide for the suspension of~~ the Firearm Owner's Identification Card of a person whose Firearm Owner's Identification Card is subject to revocation and seizure under this Act for the duration of the disqualification if the disqualification is not a permanent grounds for revocation of a Firearm Owner's Identification Card under this Act. The Illinois State Police may adopt rules necessary to implement this Section.

Summary: This Section grants the Department the authority to suspend FOID Cards when the card holder's firearms disqualification is expected to be less than a year. The amendment removes the requirement for rules so that this process may be implemented while rulemaking is ongoing. Pursuant to the rules, suspensions are different from revocations insofar as they are of a shorter duration and suspended cards may be turned over to another FOID Card holder (with weapons, if any) and need not be surrendered to law enforcement.

Future Guidance:

- Beginning January 1, 2022, when a FOID Card holder is disqualified from firearms possession due to a protective order, the FOID Card will be entered into the system as suspended.
 - "Protective order" means any orders of protection issued under the Illinois Domestic Violence Act of 1986, stalking no contact orders issued under the Stalking No Contact Order Act, civil no contact orders issued under the Civil No Contact Order Act, and firearms restraining orders issued under the Firearms Restraining Order Act.

- This practice will only be employed when the duration of the protective order is expected to be less than one year.
- The FOID Card holder will be directed to surrender their FOID Card with their weapons to another valid FOID Card holder for the duration of the suspension but will not be required to return it to the Department or local law enforcement. (Please note: There is no requirement that the valid FOID Card holder maintain a separate residence from the suspended FOID Card holder.)
- For example, if a person's FOID Card is suspended due to an emergency order of protection and the suspended party's brother, with whom the suspended party is currently living, is a valid FOID Card holder, the suspended card and any weapons may be surrendered to the brother. The FDR must be completed and returned consistent with the directions on the form.
- This will allow the FOID Card to be reinstated more quickly without the need for an appeal upon the termination of the disqualification.
- The status of all FOID Cards will be available to law enforcement officers through LEADS.

FOID Card Cancellation - (430 ILCS 65/8.4) (New)

Sec. 8.4. Cancellation of Firearm Owner's Identification Card.

“The Illinois State Police may cancel a Firearm Owner's Identification Card if a person is not prohibited by State or federal law from acquiring or possessing a firearm or firearm ammunition and the sole purpose is for an administrative reason. This includes, at the request of the Firearm Owner's Identification Card holder, a person who surrenders his or her Illinois driver's license or Illinois identification card to another jurisdiction, or a person's Firearm Owner's Identification Card is reported as lost, stolen, or destroyed. The Illinois State Police may adopt rules necessary to implement this Section.”

Summary: This Section grants the Department the authority to cancel cards rather than just revoke or suspend them.

Future Guidance:

- Beginning January 1, 2022, at the cardholder's request, when
 - a FOID Card has been surrendered or reported as lost, stolen or destroyed, or
 - the cardholder has surrendered an Illinois driver's license or Illinois identification card to another jurisdiction,
 the FOID Card may be cancelled within the system so long as the card holder is not otherwise prohibited from firearms possession.
- Only when a card holder is specifically prohibited from firearms possession, will their FOID Card status be entered as suspended or revoked.
- The status of all FOID Cards will be available to law enforcement officers through LEADS.

Firearms Concealed Carry License Suspension and Auto Renewal - (430 ILCS 66/70) (Amended)

- (h) Except as otherwise provided in subsection (h-5), a ~~A~~-license issued or renewed under this Act

shall be revoked if, at any time, the licensee is found ineligible for a Firearm Owner's Identification Card, or the licensee no longer possesses a valid Firearm Owner's Identification Card. If the Firearm Owner's Identification Card is expired or suspended rather than denied or revoked, the license may be suspended for a period of up to one year to allow the licensee to reinstate his or her Firearm Owner's Identification Card. The Illinois State Police shall adopt rules to enforce this subsection. A licensee whose license is revoked under this subsection (h) shall surrender his or her concealed carry license as provided for in subsection (g) of this Section. This subsection shall not apply to a person who has filed an application with the State Police for renewal of a Firearm Owner's Identification Card and who is not otherwise ineligible to obtain a Firearm Owner's Identification Card.

(h-5) If the Firearm Owner's Identification Card of a licensee under this Act expires during the term of the license issued under this Act, the license and the Firearm Owner's Identification Card remain valid, and the Illinois State Police may automatically renew the licensee's Firearm Owner's Identification Card as provided in subsection (c) of Section 5 of the Firearm Owners Identification Card Act.

Summary: This Section grants the Department the authority to suspend a CCL for up to one year when the licensee's FOID Card is expired or suspended and provides for the Auto Renewal of a licensee's FOID Card when it expires during the term of the license.

Future Guidance:

- Beginning January 1, 2022, when a FOID Card expires during the term of a CCL, the FOID Card will be automatically renewed and the licensee will be sent a new combined FOID Card and CCL. These combined cards
 - will not have an expiration date printed on the face of the card; and
 - will serve as both the cardholder's FOID and CCL.
- Beginning January 1, 2022, when a FOID Card is suspended and the cardholder has a CCL, the CCL will be suspended until the FOID Card is reinstated. Upon reinstatement of the FOID Card, the CCL will be reinstated as well.
- The status of all FOID Cards and CCLs will be available to law enforcement officers through LEADS.

The Criminal Code, 720 ILCS 5/24-3. Unlawful sale or delivery of firearms (Amended)

- (A) A person commits the offense of unlawful sale or delivery of firearms when he or she knowingly does any of the following:
- (k) Sells or transfers ownership of a firearm to a person who does not display to the seller or transferor of the firearm either: (1) a currently valid Firearm Owner's Identification Card that has previously been issued in the transferee's name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act; or (2) a currently valid license to carry a concealed firearm that has previously been issued in the transferee's name by the Department of State Police under the Firearm Concealed Carry Act. This paragraph (k) does not apply to the transfer of a firearm to a person who is exempt from the requirement of possessing a Firearm Owner's Identification Card under Section 2 of the

Firearm Owners Identification Card Act. For the purposes of this Section, a currently valid Firearm Owner's Identification Card or license to carry a concealed firearm means receipt of (i) a Firearm Owner's Identification Card that has not expired or (ii) an approval number issued in accordance with subsection (a-10) of subsection 3 or Section 3.1 of the Firearm Owners Identification Card Act ~~shall be proof that the Firearm Owner's Identification Card was valid.~~

Summary: This Section provides that the receipt of an approved FTIP or person-to-person transaction will constitute proof of a valid FOID Card or CCL.

Future Guidance:

- Pursuant to Sections 3 and 3.1 of the FOID Act, whenever a firearm is sold or transferred, the sale or transfer must be processed through either an FFL or the ISP's Person to Person Portal, which is available on the Department's website. Upon completion of the transaction, if the purchaser has a valid FOID Card, the Department will provide the FFL an approved FTIP number or the private party seller with an approved transfer number for the sale or transfer.
- Beginning January 1, 2022, a person may not be charged with unlawfully selling or transferring a weapon so long as they are in receipt of either an approval for an FTIP or a person-to-person transfer from the Department that is dated within the preceding 30 days.
- This change was made to address the lack of expiration dates on FOID Cards, CCLs, and combined cards.
- Since there will be no way to determine validity on the face of a card or license, the approved transaction, which is dated within the preceding 30 days, serves as proof that the seller/transferor checked validity with the Department prior to transfer.
- The status of all FOID Cards and CCLs will be available to law enforcement officers through LEADS.

The Wildlife Code (520 ILCS 5/), Sections 2.11, 2.26, 2.33, and 2.34 (Amended)

- 2.11 It shall be unlawful to take wild turkey except by use of a bow and arrow or a shotgun of not larger than 10 nor smaller than 20 gauge with shot size not larger than No. 4, and no person while attempting to so take wild turkey may have in his possession any other gun unless in accordance with the Firearm Concealed Carry Act.
- 2.26 No person may have in his or her possession any firearm not authorized by administrative rule for a specific hunting season when taking deer unless in accordance with the Firearm Concealed Carry Act.
- 2.33 (n) It is unlawful for any person, except persons who possess a permit to hunt from a vehicle as provided in this Section and persons otherwise permitted by law, to have or carry any gun in or on any vehicle, conveyance or aircraft, unless such gun is unloaded and enclosed in a case, except that at field trials authorized by Section 2.34 of this Act, unloaded guns or guns loaded with blank cartridges only, may be carried on horseback while not contained in a case, or to have or carry any bow or arrow device in or on any vehicle unless such bow or arrow device is unstrung or enclosed in a case, or otherwise made inoperable unless in accordance with the Firearm Concealed Carry Act.

2.34 (b) During the periods of time when it is unlawful to take species protected by this Act, the only firearms which shall be used in the training of dogs from sunrise to sunset shall be pistols with blank cartridges. No other gun or ammunition may be in immediate possession during this time. No person or persons in, along with, or accompanying the dog training party, shall be in possession of any firearm or live ammunition, except pistols capable of firing only blank cartridges during the hours from sunset to sunrise. All organized field trials or training grounds approved by the Department shall be exempt from this provision unless in accordance with the Firearm Concealed Carry Act.

Summary: These Sections provide an exception to the prohibition of firearms and live ammunition possession within the Wildlife Code for persons who have been issued a license under the Firearm Concealed Carry Act (FCCA).

Future Guidance:

- Beginning January 1, 2022, a person with a valid CCL who is otherwise in compliance with the FCCA cannot be arrested for violating these provisions of the Wildlife Code based solely on the licensee’s possession of firearms or live ammunition.
- These exemptions do not relieve a licensee from otherwise complying with the FCCA or the Wildlife Code.
- The status of all CCLs will be available to law enforcement officers through LEADS.

Resources:

- Public Act 102-0237 - <https://www.ilga.gov/legislation/publicacts/102/PDF/102-0237.pdf>

Operator's Initials	Date	Operator's Initials	Date	Operator's Initials	Date	Operator's Initials	Date	Operator's Initials	Date