



Sen. William R. Haine

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1 AMENDMENT TO SENATE BILL 1857

2 AMENDMENT NO. _____. Amend Senate Bill 1857 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Concealed Carry Act is amended by
5 changing Sections 5, 10, 15, 20, 70, and 87 as follows:

6 (430 ILCS 66/5)

7 Sec. 5. Definitions. As used in this Act:

8 "Applicant" means a person who is applying for a license to
9 carry a concealed firearm under this Act.

10 "Board" means the Concealed Carry Licensing Review Board.

11 "Concealed firearm" means a loaded or unloaded handgun
12 carried on or about a person completely or mostly concealed
13 from view of the public or on or about a person within a
14 vehicle.

15 "Department" means the Department of State Police.

16 "Director" means the Director of State Police.

1 "Electronic portal" or "portal" means a secure
2 password-protected electronic interface provided by the
3 Department for the purpose of sharing information with
4 applicants.

5 "Handgun" means any device which is designed to expel a
6 projectile or projectiles by the action of an explosion,
7 expansion of gas, or escape of gas that is designed to be held
8 and fired by the use of a single hand. "Handgun" does not
9 include:

10 (1) a stun gun or taser;

11 (2) a machine gun as defined in item (i) of paragraph
12 (7) of subsection (a) of Section 24-1 of the Criminal Code
13 of 2012;

14 (3) a short-barreled rifle or shotgun as defined in
15 item (ii) of paragraph (7) of subsection (a) of Section
16 24-1 of the Criminal Code of 2012; or

17 (4) any pneumatic gun, spring gun, paint ball gun, or
18 B-B gun which expels a single globular projectile not
19 exceeding .18 inch in diameter, or which has a maximum
20 muzzle velocity of less than 700 feet per second, or which
21 expels breakable paint balls containing washable marking
22 colors.

23 "Law enforcement agency" means any federal, State, or local
24 law enforcement agency, including offices of State's Attorneys
25 and the Office of the Attorney General.

26 "License" means a license issued by the Department of State

1 Police to carry a concealed handgun.

2 "Licensee" means a person issued a license to carry a
3 concealed handgun.

4 "Municipality" has the meaning ascribed to it in Section 1
5 of Article VII of the Illinois Constitution.

6 "Unit of local government" has the meaning ascribed to it
7 in Section 1 of Article VII of the Illinois Constitution.

8 (Source: P.A. 98-63, eff. 7-9-13.)

9 (430 ILCS 66/10)

10 Sec. 10. Issuance of licenses to carry a concealed firearm.

11 (a) The Department shall issue a license to carry a
12 concealed firearm under this Act to an applicant who:

13 (1) meets the qualifications of Section 25 of this Act;

14 (2) has provided the application and documentation
15 required in Section 30 of this Act;

16 (3) has submitted the requisite fees; and

17 (4) does not pose a danger to himself, herself, or
18 others, or a threat to public safety as determined by the
19 Concealed Carry Licensing Review Board in accordance with
20 Section 20.

21 (b) The Department shall issue a renewal, corrected, or
22 duplicate license as provided in this Act.

23 (c) A license shall be valid throughout the State for a
24 period of 5 years from the date of issuance. A license shall
25 permit the licensee to:

1 (1) carry a loaded or unloaded concealed firearm, fully
2 concealed or partially concealed, on or about his or her
3 person; and

4 (2) keep or carry a loaded or unloaded concealed
5 firearm on or about his or her person within a vehicle.

6 (d) The Department shall make applications for a license
7 available no later than 180 days after the effective date of
8 this Act. The Department shall establish rules for the
9 availability and submission of applications in accordance with
10 this Act.

11 (e) An application for a license submitted to the
12 Department that contains all the information and materials
13 required by this Act, including the requisite fee, shall be
14 deemed completed. Except as otherwise provided in this Act, no
15 later than 90 days after receipt of a completed application,
16 the Department shall issue or deny the applicant a license.

17 (f) The Department shall deny the applicant a license if
18 the applicant fails to meet the requirements under this Act or
19 the Department receives a determination from the Board that the
20 applicant is ineligible for a license. The Department must
21 notify the applicant stating the statutory grounds for the
22 denial and the applicant's right to review copies of all
23 documents and other evidence upon which the Department and
24 Board relied in making its determination of ineligibility. The
25 notice of denial must inform the applicant of his or her right
26 to an appeal through administrative and judicial review. The

1 notification shall be provided to an applicant as follows:

2 (1) If an applicant submitted an application via
3 electronic means, the applicant shall receive notice from
4 the Department regarding the applicant's acceptance or
5 denial via electronic means. The Department shall post
6 notice within the electronic portal established by the
7 Department for that specific applicant. The portal shall
8 clearly indicate the date on which the denial or acceptance
9 notice was posted. If an applicant is denied a license,
10 additional notification procedures shall be as follows:

11 (A) Upon posting a denial notice within the
12 applicant's secure electronic portal, the Department
13 shall keep a record of the first time the denial letter
14 is viewed by the applicant.

15 (B) Upon posting a denial notice within the
16 applicant's secure electronic portal, the Department
17 shall send the applicant an email to the email address
18 on the application informing him or her that the
19 decision has been posted. The email shall not contain
20 any information about the content of the denial letter.

21 (C) The Department shall send a second notice
22 regarding the fact that a decision has been posted
23 within the applicant's portal 5 business days after the
24 first notice was sent.

25 (D) The time in which an applicant may petition for
26 administrative or judicial review shall begin to

1 accrue on the date that the applicant first views the
2 denial letter within the applicant's secure portal as
3 recorded by the Department, or the date of the second
4 email notification as provided in subparagraph (C) of
5 paragraph (1) of this subsection (f), whichever is
6 sooner.

7 (2) If an applicant submitted an application on paper,
8 the applicant shall receive notice from the Department
9 regarding the applicant's acceptance or denial on paper.
10 The Department shall send the applicant a paper letter via
11 traditional mail to the address indicated on the
12 application. If an applicant is denied a license, the
13 Department shall mail the denial letter through the United
14 States Postal Service. The time limitation in which an
15 applicant may seek administrative or judicial review shall
16 begin to accrue 5 calendar days after the postmark on the
17 letter mailed by the Department.

18 (3) If the Department does not send a denial letter to
19 the correct address, or does not send a denial notification
20 email to an applicant's correct email address, the time
21 limitation in which an applicant may seek review of the
22 Department's decision shall be tolled until the Department
23 corrects the error and the applicant has received actual
24 notice of the denial.

25 (g) A licensee shall possess a license at all times the
26 licensee carries a concealed firearm except:

1 (1) when the licensee is carrying or possessing a
2 concealed firearm on his or her land or in his or her
3 abode, legal dwelling, or fixed place of business, or on
4 the land or in the legal dwelling of another person as an
5 invitee with that person's permission;

6 (2) when the person is authorized to carry a firearm
7 under Section 24-2 of the Criminal Code of 2012, except
8 subsection (a-5) of that Section; or

9 (3) when the handgun is broken down in a
10 non-functioning state, is not immediately accessible, or
11 is unloaded and enclosed in a case.

12 (h) If an officer of a law enforcement agency initiates an
13 investigative stop, including but not limited to a traffic
14 stop, of a licensee or a non-resident carrying a concealed
15 firearm under subsection (e) of Section 40 of this Act, upon
16 the request of the officer the licensee or non-resident shall
17 disclose to the officer that he or she is in possession of a
18 concealed firearm under this Act, present the license upon the
19 request of the officer if he or she is a licensee or present
20 upon the request of the officer evidence under paragraph (2) of
21 subsection (e) of Section 40 of this Act that he or she is a
22 non-resident qualified to carry under that subsection, and
23 identify the location of the concealed firearm. During a
24 traffic stop, any passenger within the vehicle who is a
25 licensee or a non-resident carrying under subsection (e) of
26 Section 40 of this Act must comply with the requirements of

1 this subsection (h).

2 (i) The Department shall maintain a database of license
3 applicants and licensees. The database shall be available to
4 all federal, State, and local law enforcement agencies, State's
5 Attorneys, the Attorney General, and authorized court
6 personnel. Within 180 days after the effective date of this
7 Act, the database shall be searchable and provide all
8 information included in the application, including the
9 applicant's previous addresses within the 10 years prior to the
10 license application and any information related to violations
11 of this Act. No law enforcement agency, State's Attorney,
12 Attorney General, or member or staff of the judiciary shall
13 provide any information to a requester who is not entitled to
14 it by law.

15 (j) No later than 10 days after receipt of a completed
16 application, the Department shall enter the relevant
17 information about the applicant into the database under
18 subsection (i) of this Section which is accessible by law
19 enforcement agencies.

20 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

21 (430 ILCS 66/15)

22 Sec. 15. Objections by law enforcement agencies.

23 (a) Any law enforcement agency may submit an objection to a
24 license applicant based upon a reasonable suspicion that the
25 applicant is a danger to himself or herself or others, or a

1 threat to public safety. The objection shall be made by the
2 chief law enforcement officer of the law enforcement agency, or
3 his or her designee, and must include any information relevant
4 to the objection. If a law enforcement agency submits an
5 objection within 30 days after the entry of an applicant into
6 the database, the Department shall submit the objection and all
7 information available to the Board under State and federal law
8 related to the application to the Board within 10 days of
9 completing all necessary background checks. If an applicant is
10 denied a license, the Board shall make available to the
11 applicant copies of all law enforcement objections upon which
12 the Board relied in making its decision under Section 10 of
13 this Act.

14 (b) If an applicant has 5 or more arrests for any reason,
15 that have been entered into the Criminal History Records
16 Information (CHRI) System, within the 7 years preceding the
17 date of application for a license, or has 3 or more arrests
18 within the 7 years preceding the date of application for a
19 license for any combination of gang-related offenses, the
20 Department shall object and submit the applicant's arrest
21 record to the extent the Board is allowed to receive that
22 information under State and federal law, the application
23 materials, and any additional information submitted by a law
24 enforcement agency to the Board. For purposes of this
25 subsection, "gang-related offense" is an offense described in
26 Section 12-6.4, Section 24-1.8, Section 25-5, Section 33-4, or

1 Section 33G-4, or in paragraph (1) of subsection (a) of Section
2 12-6.2, paragraph (2) of subsection (b) of Section 16-30,
3 paragraph (2) of subsection (b) of Section 31-4, or item (iii)
4 of paragraph (1.5) of subsection (i) of Section 48-1 of the
5 Criminal Code of 2012.

6 (c) The referral of an objection under this Section to the
7 Board shall toll the 90-day period for the Department to issue
8 or deny the applicant a license under subsection (e) of Section
9 10 of this Act, during the period of review and until the Board
10 issues its decision. Upon the referral, applicants shall be
11 given notice by the Department that the application is
12 undergoing review by the Board. The notice shall include the
13 next date upon which the Board is expected to convene, and
14 shall inform the applicant that the 90-day period has been
15 tolled.

16 (d) If no objection is made by a law enforcement agency or
17 the Department under this Section, the Department shall process
18 the application in accordance with this Act.

19 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

20 (430 ILCS 66/20)

21 Sec. 20. Concealed Carry Licensing Review Board.

22 (a) There is hereby created within the Department of State
23 Police a Concealed Carry Licensing Review Board to consider any
24 objection to an applicant's eligibility to obtain a license
25 under this Act submitted by a law enforcement agency or the

1 Department under Section 15 of this Act. The Board shall
2 consist of 7 commissioners to be appointed by the Governor,
3 with the advice and consent of the Senate, with 3 commissioners
4 residing within the First Judicial District and one
5 commissioner residing within each of the 4 remaining Judicial
6 Districts. No more than 4 commissioners shall be members of the
7 same political party. The Governor shall designate one
8 commissioner as the Chairperson. The Board shall consist of:

9 (1) one commissioner with at least 5 years of service
10 as a federal judge;

11 (2) 2 commissioners with at least 5 years of experience
12 serving as an attorney with the United States Department of
13 Justice;

14 (3) 3 commissioners with at least 5 years of experience
15 as a federal agent or employee with investigative
16 experience or duties related to criminal justice under the
17 United States Department of Justice, Drug Enforcement
18 Administration, Department of Homeland Security, or
19 Federal Bureau of Investigation; and

20 (4) one member with at least 5 years of experience as a
21 licensed physician or clinical psychologist with expertise
22 in the diagnosis and treatment of mental illness.

23 (b) The initial terms of the commissioners shall end on
24 January 12, 2015. Thereafter, the commissioners shall hold
25 office for 4 years, with terms expiring on the second Monday in
26 January of the fourth year. Commissioners may be reappointed.

1 Vacancies in the office of commissioner shall be filled in the
2 same manner as the original appointment, for the remainder of
3 the unexpired term. The Governor may remove a commissioner for
4 incompetence, neglect of duty, malfeasance, or inability to
5 serve. Commissioners shall receive compensation in an amount
6 equal to the compensation of members of the Executive Ethics
7 Commission and may be reimbursed for reasonable expenses
8 actually incurred in the performance of their Board duties,
9 from funds appropriated for that purpose.

10 (c) The Board shall meet at the call of the chairperson as
11 often as necessary to consider objections to applications for a
12 license under this Act. If necessary to ensure the
13 participation of a commissioner, the Board shall allow a
14 commissioner to participate in a Board meeting by electronic
15 communication. Any commissioner participating electronically
16 shall be deemed present for purposes of establishing a quorum
17 and voting.

18 (d) The Board shall adopt rules for the review of
19 objections and the conduct of hearings. The Board shall
20 maintain a record of its decisions and all materials considered
21 in making its decisions. All Board decisions and voting records
22 shall be kept confidential and all materials considered by the
23 Board shall be exempt from inspection except upon order of a
24 court.

25 (e) In considering an objection of a law enforcement agency
26 or the Department, the Board shall review the materials

1 received with the objection from the law enforcement agency or
2 the Department. By a vote of at least 4 commissioners, the
3 Board may request additional information from the law
4 enforcement agency, Department, or the applicant, or the
5 testimony of the law enforcement agency, Department, or the
6 applicant. The Board may require that the applicant submit
7 electronic fingerprints to the Department for an updated
8 background check where the Board determines it lacks sufficient
9 information to determine eligibility. The Board may only
10 consider information submitted by the Department, a law
11 enforcement agency, or the applicant. The Board shall review
12 each objection and determine by a majority of commissioners
13 whether an applicant is eligible for a license.

14 (f) The Board shall issue a decision within 30 days of
15 receipt of the objection from the Department. The decision
16 shall give the specific reason or reasons why the application
17 was denied. The ~~However, the~~ Board need not issue its ~~a~~
18 decision within the 30-day period ~~days~~ if:

19 (1) the Board requests information from the applicant,
20 including but not limited to electronic fingerprints to be
21 submitted to the Department, in accordance with subsection
22 (e) of this Section, in which case the Board shall issue
23 its ~~make a~~ decision within 30 days of receipt of the
24 required information from the applicant;

25 (2) the applicant agrees, in writing, to allow the
26 Board additional time to consider an objection before

1 issuing its decision; or

2 (3) the Board notifies the applicant and the Department
3 that the Board needs an additional 30 days to issue its a
4 decision.

5 (g) If the Board determines by a preponderance of the
6 evidence that an applicant is ineligible for a license, the
7 Board shall designate the statutory reason or reasons for the
8 denial. The denial letter issued by the Department to an
9 applicant shall designate the specific reason or reasons
10 pertaining to eligibility as designated by Sections 15, 25, or
11 any other provision of this Act, which was relied upon by the
12 Board in making its decision.

13 (1) The Board shall designate one or more of the
14 following reasons for denying the application:

15 (A) the applicant has been convicted or found
16 guilty of a misdemeanor involving the use or threat of
17 physical force or violence to any person in this or any
18 other state within the 5 years preceding the date of
19 the license application;

20 (B) the applicant has had 2 or more violations
21 related to driving while under the influence of
22 alcohol, other drug or drugs, intoxicating compound or
23 compounds, or any combination thereof, within the 5
24 years preceding the date of the license application;

25 (C) the applicant is the subject of a pending
26 arrest warrant, prosecution, or proceeding for an

1 offense or action that could lead to disqualification
2 to own or possess a firearm;

3 (D) the applicant has been in residential or
4 court-ordered treatment for alcoholism, alcohol
5 detoxification, or drug treatment within the 5 years
6 immediately preceding the date of the license
7 application;

8 (E) the applicant has had 5 or more arrests that
9 have been entered into the Criminal History Records
10 Information (CHRI) System, within the 7 years
11 preceding the date of application for a license;

12 (F) the applicant has 3 or more arrests within the
13 7 years preceding the date of application for a license
14 for any combination of gang-related offenses;

15 (G) the applicant poses a danger to himself,
16 herself, or others, as determined by the Board upon
17 reviewing the applicant's juvenile court, criminal
18 justice, psychological, or psychiatric records;

19 (H) other reasons cited by the Board; however, the
20 Board must explain the specific statutory reasons for
21 its decision. ~~the applicant poses a danger to himself~~
22 ~~or herself or others, or is a threat to public safety,~~
23 ~~then the Board shall affirm the objection of the law~~
24 ~~enforcement agency or the Department and shall notify~~
25 ~~the Department that the applicant is ineligible for a~~
26 ~~license.~~

1 (2) If the Board does not determine by a preponderance
2 of the evidence that the applicant poses a danger to
3 himself or herself or others, or is a threat to public
4 safety, then the Board shall notify the Department that the
5 applicant is eligible for a license.

6 (h) Meetings of the Board shall not be subject to the Open
7 Meetings Act and records of the Board shall not be subject to
8 the Freedom of Information Act. However, all documents and
9 evidence provided to the Board, including a list of the names
10 of all witnesses who provided testimony to the Board, shall be
11 made available to the applicant. To the extent that the Board
12 has reviewed the medical records of an applicant, or any other
13 records subject to any law or rule providing for the
14 applicant's privacy, disclosure of those records shall comply
15 with all applicable privacy laws, rules, and regulations.

16 (i) The Board shall report monthly to the Governor and the
17 General Assembly on the number of objections received and
18 provide details of the circumstances in which the Board has
19 determined to deny licensure based on law enforcement or
20 Department objections under Section 15 of this Act. The report
21 shall not contain any identifying information about the
22 applicants.

23 (Source: P.A. 98-63, eff. 7-9-13; 98-600, eff. 12-6-13.)

24 (430 ILCS 66/70)

25 Sec. 70. Violations.

1 (a) A license issued or renewed under this Act shall be
2 revoked if, at any time, the licensee is found to be ineligible
3 for a license under this Act or the licensee no longer meets
4 the eligibility requirements of the Firearm Owners
5 Identification Card Act. The notification and appeals
6 processes for revoked licenses shall be the same as those for
7 denied applications under Sections 10, 15, and 87 of this Act.

8 (b) A license shall be suspended if an order of protection,
9 including an emergency order of protection, plenary order of
10 protection, or interim order of protection under Article 112A
11 of the Code of Criminal Procedure of 1963 or under the Illinois
12 Domestic Violence Act of 1986, is issued against a licensee for
13 the duration of the order, or if the Department is made aware
14 of a similar order issued against the licensee in any other
15 jurisdiction. If an order of protection is issued against a
16 licensee, the licensee shall surrender the license, as
17 applicable, to the court at the time the order is entered or to
18 the law enforcement agency or entity serving process at the
19 time the licensee is served the order. The court, law
20 enforcement agency, or entity responsible for serving the order
21 of protection shall notify the Department within 7 days and
22 transmit the license to the Department.

23 (c) A license is invalid upon expiration of the license,
24 unless the licensee has submitted an application to renew the
25 license, and the applicant is otherwise eligible to possess a
26 license under this Act.

1 (d) A licensee shall not carry a concealed firearm while
2 under the influence of alcohol, other drug or drugs,
3 intoxicating compound or combination of compounds, or any
4 combination thereof, under the standards set forth in
5 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

6 A licensee in violation of this subsection (d) shall be
7 guilty of a Class A misdemeanor for a first or second violation
8 and a Class 4 felony for a third violation. The Department may
9 suspend a license for up to 6 months for a second violation and
10 shall permanently revoke a license for a third violation.

11 (e) Except as otherwise provided, a licensee in violation
12 of this Act shall be guilty of a Class B misdemeanor. A second
13 or subsequent violation is a Class A misdemeanor. The
14 Department may suspend a license for up to 6 months for a
15 second violation and shall permanently revoke a license for 3
16 or more violations of Section 65 of this Act. Any person
17 convicted of a violation under this Section shall pay a \$150
18 fee to be deposited into the Mental Health Reporting Fund, plus
19 any applicable court costs or fees.

20 (f) A licensee convicted or found guilty of a violation of
21 this Act who has a valid license and is otherwise eligible to
22 carry a concealed firearm shall only be subject to the
23 penalties under this Section and shall not be subject to the
24 penalties under Section 21-6, paragraph (4), (8), or (10) of
25 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)
26 of paragraph (3) of subsection (a) of Section 24-1.6 of the

1 Criminal Code of 2012. Except as otherwise provided in this
2 subsection, nothing in this subsection prohibits the licensee
3 from being subjected to penalties for violations other than
4 those specified in this Act.

5 (g) A licensee whose license is revoked, suspended, or
6 denied shall, within 48 hours of receiving notice of the
7 revocation, suspension, or denial, surrender his or her
8 concealed carry license to the local law enforcement agency
9 where the person resides. The local law enforcement agency
10 shall provide the licensee a receipt and transmit the concealed
11 carry license to the Department of State Police. If the
12 licensee whose concealed carry license has been revoked,
13 suspended, or denied fails to comply with the requirements of
14 this subsection, the law enforcement agency where the person
15 resides may petition the circuit court to issue a warrant to
16 search for and seize the concealed carry license in the
17 possession and under the custody or control of the licensee
18 whose concealed carry license has been revoked, suspended, or
19 denied. The observation of a concealed carry license in the
20 possession of a person whose license has been revoked,
21 suspended, or denied constitutes a sufficient basis for the
22 arrest of that person for violation of this subsection. A
23 violation of this subsection is a Class A misdemeanor.

24 (h) A license issued or renewed under this Act shall be
25 revoked if, at any time, the licensee is found ineligible for a
26 Firearm Owner's Identification Card, or the licensee no longer

1 possesses a valid Firearm Owner's Identification Card. A
2 licensee whose license is revoked under this subsection (h)
3 shall surrender his or her concealed carry license as provided
4 for in subsection (g) of this Section.

5 This subsection shall not apply to a person who has filed
6 an application with the State Police for renewal of a Firearm
7 Owner's Identification Card and who is not otherwise ineligible
8 to obtain a Firearm Owner's Identification Card.

9 (i) A certified firearms instructor who knowingly provides
10 or offers to provide a false certification that an applicant
11 has completed firearms training as required under this Act is
12 guilty of a Class A misdemeanor. A person guilty of a violation
13 of this subsection (i) is not eligible for court supervision.
14 The Department shall permanently revoke the firearms
15 instructor certification of a person convicted under this
16 subsection (i).

17 (Source: P.A. 98-63, eff. 7-9-13; 98-756, eff. 7-16-14; 98-899,
18 eff. 8-15-14.)

19 (430 ILCS 66/87)

20 Sec. 87. Administrative and judicial review.

21 (a) Whenever an application for a concealed carry license
22 is denied, whenever the Department fails to act on an
23 application within 90 days of its receipt, or whenever a
24 license is revoked or suspended as provided in this Act, the
25 aggrieved party may appeal to the Director for a hearing upon

1 the denial, revocation, suspension, or failure to act on the
2 application, unless the denial was made by the Concealed Carry
3 Licensing Review Board, in which case the aggrieved party may
4 petition the circuit court in writing in the county of his or
5 her residence for a hearing upon the denial. The procedure for
6 the petition process shall follow the provisions as for final
7 administrative decisions provided in subsection (b) of this
8 Section.

9 (b) All final administrative decisions of the Department or
10 the Concealed Carry Licensing Review Board under this Act shall
11 be subject to judicial review under the provisions of the
12 Administrative Review Law, except that the time deadline for
13 filing a petition for administrative or judicial review shall
14 be 70 calendar days from the date the notice of denial was
15 received by the applicant as designated in subsection (f) of
16 Section 10 of this Act. When an applicant brings a petition for
17 judicial review under this Act, the petition must be decided
18 without remand to the Department. The term "administrative
19 decision" is defined as in Section 3-101 of the Code of Civil
20 Procedure.

21 (c) Within 10 days of sending notice that an application
22 has been denied, the documents or evidence relied upon by the
23 Department or the Board, or both, shall be made available to
24 the applicant.

25 (1) If an applicant submitted his or her application
26 via electronic means, then within 10 days immediately

1 following the date of the denial notice, the Department
2 shall post electronic copies of all documents and evidence
3 relied upon in making its decision to the applicant's
4 secure electronic portal. An applicant may view all
5 documents relied upon by the Board in making its decision
6 to deny an application. To the extent that federal
7 regulations prohibit the printing or duplication of any
8 document posted within the portal, the Department shall
9 give the applicant notice that the documents may not be
10 printed or duplicated. An applicant may, however,
11 specifically reference the documents in a petition for
12 administrative or judicial review and may seek a court
13 order for the printing, duplication, or in-camera review of
14 the documents.

15 (2) If the applicant submitted his or her application
16 on paper, then the applicant shall make a written request
17 for documents and evidence to the Department, which shall
18 be signed by the applicant. The request shall be sent to
19 the Department via certified mail with return receipt
20 requested. The request may designate that the documents be
21 sent to the applicant's attorney, if any.

22 (A) The Department shall provide paper copies of
23 the requested documents and evidence within 14
24 calendar days of receiving the written request.
25 Documents shall be sent to the applicant's address or
26 the address of the applicant's attorney, if one is

1 designated, via United States Mail.

2 (B) If the Department fails to mail the documents
3 within 10 days of receipt of the applicant's request,
4 and the postmark on the documents mailed by the
5 Department does not indicate that they were mailed
6 within 10 days of receipt of the applicant's written
7 request, then the time period in which an applicant may
8 seek administrative or judicial review, or both, under
9 this Section shall be tolled until the date on which
10 the Department does in fact mail the documents and
11 evidence to the applicant as indicated by the postmark
12 on the envelope or envelopes containing the documents.

13 (C) To the extent that federal regulations
14 prohibit the printing or duplication of any document
15 relied upon by the Department or Board in making its
16 determination, the Department shall give the applicant
17 notice that the documents exist and shall provide a
18 method through which the applicant or the applicant's
19 attorney may view the documents at the applicant's
20 convenience. Nothing in this Section shall prohibit an
21 applicant from referencing the documents in a petition
22 for administrative or judicial review or from seeing a
23 court order for the printing, duplication, or
24 in-camera review of the documents.

25 (3) The Department shall keep records on the number of
26 instances in which it did not respond to evidentiary or

1 document requests, or both, within the 10-day period
2 designated in this Section. The Department shall further
3 document the number of instances in which federal
4 regulations prohibited the Department from providing an
5 applicant with unrestricted access to all documents, and
6 the final means through which the applicant was able to
7 view the documents. The Department shall report the
8 information required in this paragraph (3) to the Governor
9 and General Assembly in the same manner as provided in
10 subsection (i) of Section 20 of this Act.

11 (Source: P.A. 98-63, eff. 7-9-13.)".