**Section 1230.15 FOID Card and Assault Weapon Electronic Endorsement Affidavit Requirement**

a) FOID Card Requirement. Pursuant to Section 2 of the Act, no *person may acquire or possess any firearm, stun gun, or taser within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Illinois State Police*. [430 ILCS 65/2(a)(1)]

1) Pursuant to Section 12 of the Act, if an Illinois resident without a FOID Card inherits a firearm or firearm ammunition upon the death of the owner, the provisions of the Act and this Part shall not apply to the person until 60 days after the passing or transfer of the firearm or ammunition. [430 ILCS 65/12]

2) *Except as provided in subsection (e)* of Section 24-1.9 of the Criminal Code of 2012 *and beginning on January 1, 2024,* *any person, who moves into this State in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device, shall apply for a FOID Card within 60 days* after moving to Illinois. [720 ILCS 5/24-1.9(d)]

3) If a FOID Card application is denied, then upon receipt of the denial notice, any person who possesses an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device and applied for a FOID Card upon inheriting or moving to Illinois shall either surrender the items to a law enforcement agency while seeking relief from such denial or transfer the items to a person authorized to purchase and possess the items consistent with the provisions of Sections 24-1.9 and 24-1.10 of the Criminal Code of 2012 [720 ILCS 5/24-1.9 and 720 ILCS 5/24/1.10].

A) If the owner surrenders possession to a law enforcement agency and intends to appeal the denial so that the items surrendered can be returned if the appeal is successful, the owner shall notify the law enforcement agency of their intent at the time of surrender.

i) If the appeal is successful, the items surrendered shall be returned to the owner who surrendered possession in the condition in which the items were surrendered.

ii) If the appeal is unsuccessful, the items surrendered may, at the request of the owner, be transferred to an FFL of the owner's choosing so that the items may be sold by the FFL on behalf of the owner consistent with PICA.

iii) If the appeal has not been exhausted within 180 days of the denial, suspension, or revocation, the owner must provide proof that the appeal is still pending at least every 30 days until the appeal has been exhausted.

B) Notwithstanding any other provision to the contrary, any items surrendered to law enforcement for safekeeping pursuant to a FOID Card denial or a protective order as defined by Section 1.1 and required by Section 8.2 of the Act, shall not be destroyed until after the appeal has been exhausted.

b) Electronic Endorsement Affidavit Requirement. Any person, other than individuals exempt by Section 24-1.9(e) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(d)], in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, including but not limited to individuals under age 21, must electronically file an endorsement affidavit through the online FOID/FCCL system beginning October 1, 2023, but shall be completed no later than January 1, 2024.

1) *Any person who moves into Illinois in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, .50 caliber cartridge, or large capacity ammunition feeding device, shall complete the endorsement affidavit within 60 days* after moving to Illinois. [720 ILCS 5/24-1.9(d)]

A) A person who has submitted an endorsement affidavit for an assault weapon or .50 caliber rifle that as manufactured has features that if removed would constitute assault weapon attachments is only required to submit an endorsement affidavit for the assault weapon or .50 caliber rifle.

B) If a person has submitted an endorsement affidavit for an assault weapon or .50 caliber rifle that as manufactured has features that if removed would constitute assault weapon attachments and subsequently removes items that separately constitute assault weapon attachments and retains possession, the person shall submit an updated endorsement affidavit.

C) Bolt, lever, or pump action firearms are not subject to the endorsement affidavit provisions of PICA even if as manufactured the firearm has features that if removed would constitute assault weapon attachments; however, if items that constitute assault weapon attachments are removed from a bolt, lever, or pump action firearm, the person in possession shall submit an endorsement affidavit for the specified assault weapon attachments upon removal regardless of when they were purchased lawfully as a part of the firearm.

2) Electronic Endorsement Affidavit Exemptions.

A) The electronic endorsement affidavit requirements of this Section do not apply to:

i) Peace officers;

ii) Qualified law enforcement officers and retirees;

iii) the acquisition and possession by a federal, State, or local law enforcement agency for the purpose of equipping that agency's peace officers; and

iv) Wardens, superintendents, and keepers of correctional institutions for the detention of persons accused or convicted of an offense. (See 720 ILCS 5/24-1.9(e)(1-4)).

v) Clubs, organizations, business, or companies, including but not limited to Federal Firearms Licensees doing business as a sole proprietor, partnership, corporation, or limited liability corporation, that own items subject to the endorsement affidavit provisions of PICA.

• If the leadership of such club, organization, business, or company changes but the ownership of the items does not change, no action is required on behalf of the club, organization, business, or company. However, if ownership transfers, the transfer must be consistent with PICA.

• Members or owners of clubs, organizations, businesses, or companies, including but not limited to Federal Firearms Licensees, must comply with the endorsement affidavit provisions of PICA for their personal possessions unless the person is eligible for another exemption.

B) Persons who are exempt from the endorsement affidavit provisions pursuant to this subparagraph are required to file an electronic endorsement affidavit should the circumstances giving rise to the exemption change.

3) Exemptions for Official Duties.

A) The following persons are not required to complete an electronic endorsement affidavit to possess an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge while the person is performing official duties:

i) Armed security personnel in this State at a nuclear energy, storage, weapons, or development site or facility regulated by the federal Nuclear Regulatory Commission;

ii) Private security personnel licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004; and

iii) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, who are also exempt while traveling to or from their places of duty.

B) Assault weapons used by persons exempt under Section 1230.15 (b)(3)(A) in the performance of their official duties, transported to and from their official duties, secured at home or their place of business, or possessed for the purposes of attending training approved by a licensed Illinois private detective agency or security contractor agency or the military, including travel to and from such training, shall be exempt from the endorsement affidavit provisions, so long as the person possesses a valid firearm control card, where applicable, and valid firearm owner's identification card, for the duration of their employment. Any person no longer employed by such an agency or not having an active firearm control card, where applicable, shall file an electronic endorsement affidavit prior to separation from the employment giving rise to the exemption.

4) Other Exemptions.

A) The following persons are not required to complete an electronic endorsement affidavit under the following circumstances:

i) Olympic target shooting competitors and coaches in possession of any firearm sanctioned by the International Olympic Committee and by USA Shooting;

ii) Nonresidents who are transporting an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge to any other place where the nonresident may lawfully possess and carry that weapon;

iii) Persons in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge at an event at the World Shooting and Recreational Complex at Sparta;

iv) Persons in possession of a weapon set forth in Appendix B, if the possession is only for hunting use expressly permitted under the Wildlife Code [520 ILCS 5]; and

v) Persons in possession of blank-firing assault weapons if the possession is only for props for a motion picture, television or video production or entertainment event. (See 720 ILCS 5/24 1.9(e)(7)(C)(v)).

B) However, these persons must have completed an electronic endorsement affidavit if their possession of these items extends beyond the circumstances outlined in subsection (b)(4)(A). For example, if a person owns an assault weapon and hunts with it, their possession extends beyond hunting use; or if a person owns an assault weapon and takes it to an event at the World Shooting and Recreational Complex at Sparta, their possession extends beyond possession at the World Shooting and Recreational Complex at Sparta. As a result, the persons in the above examples would be required to complete an electronic endorsement affidavit. If a person does not own an assault weapon but rather rents or borrows one from a neighbor for hunting or a teammate for a shooting event and immediately returns it upon the conclusion of the purpose, their possession does not extend beyond the permitted circumstances and that person would not be required to complete an electronic endorsement affidavit.

5) Nothing in this Section shall be construed to make lawful the acquisition, transportation, or possession of firearms or firearm ammunition which is otherwise prohibited by law, for example the FOID Act [430 ILCS 65] and the Wildlife Code [520 ILCS 5].

c) Electronic Endorsement Affidavit Contents. The endorsement affidavit shall include:

1) *The affiant's Firearm Owner's Identification Card number* when available*;*

2) *An affirmation that the affiant:*

A) *possessed* *an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge* before January 10, 2023; or

B) inherited such items from a person with an endorsement under Section 24-1.9 of the Criminal Code of 2012 [720 ILCS 5/24-1.9] or from a person authorized under Section 24-1.9(e)(1) through (5) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(e)(1)-(5)] to possess such items; or

C) moved into Illinois after January 10, 2023 with such items; or

D) is filing an endorsement affidavit voluntarily (See subsection (e));

3) *The make, model, caliber, and serial number of each assault weapon or .50 caliber rifle*;

4) A warning *printed in bold type* that states: *"Warning: Entering false information on this form is punishable as perjury under Section 32-2 of the Criminal Code of 2012. Entering false information on this form is a violation of the Firearm Owners Identification Card Act."* [720 ILCS 5/24-1.9(d)]; and

5) An affirmation that the endorsement affidavit is signed under oath, swearing, affirming, and certifying, that the statements set forth in the endorsement affidavit are true and correct subject to the penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].

d) Electronic Endorsement Affidavit Filing Deadlines. The endorsement affidavit, shall be filed electronically through the online FOID/FCCL system, no later than:

1) January 1, 2024, if the person is an Illinois resident who possessed an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, prior to January 10, 2023; or

2) 60 days after moving to Illinois, if the person was an out-of-state resident who moved into Illinois after January 10, 2023, and possessed an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge prior to moving to Illinois.

e) Electronic Endorsement Affidavit Voluntary Compliance. Any person in possession of an assault weapon, assault weapon attachment, .50 caliber rifle, or .50 caliber cartridge, who is exempt from the endorsement affidavit requirements of Section 24-1.9(e) of the Criminal Code of 2012 [720 ILCS 5/24-1.9(e)] may electronically file an endorsement affidavit through the online FOID/FCCL system voluntarily (See subsection (c)(2)(D)) at any time.

f) Penalty. Possession of a firearm without a FOID Card as required by Section 2 of the Act or possession of an assault weapon without having completed an electronic endorsement affidavit as required by Section 24-1.9 of the Criminal Code of 2012, is a Class A misdemeanor or Class 3 or 4 felony depending upon the circumstances of the violation. (See 430 ILCS 65/14 and 720 ILCS 5/24-1(a)(15)).

g) Notwithstanding the requirements of subsection (b), all endorsement affidavit records collected by the Illinois State Police pursuant to this Section shall be retained consistent with the Illinois State Records Act [5 ILCS 160/1.5] but shall be destroyed upon lawful order from an Illinois or federal court with appropriate jurisdiction following the exhaustion of all appeals or receipt of an authorized disposal date from the State Records Commission. See 40 Ill. Adm. Code 4400.

(Source: Section transferred to 20 Ill. Adm. 3500.10 at 47 Ill. Reg. 2474; added at 48 Ill. Reg. 2881, effective February 8, 2024)