

ILLINOIS FIREARM PROHIBITORS AND RECORDS IMPROVEMENT TASK FORCE 2024 REPORT

A REPORT TO THE ILLINOIS GOVERNOR
AND GENERAL ASSEMBLY

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TASK FORCE MEMBERSHIP

Firearm Prohibitors and Records Improvement Task Force Members include:

Executive Director of the Illinois Criminal Justice Information Authority, who shall serve as Chair:

Delrice Adams, Executive Director

Director of the Illinois State Police, or his or her designee:

Colonel Christopher Campbell, Deputy Director, Division of Justice Services

Secretary of the Illinois Department of Human Services, or his or her designee:

Sharon Coleman, Ph.D., Deputy Director, Forensic & Justice Services

Director of the Illinois Department of Corrections, or his or her designee:

Sharon Shipinski, Ph.D., Manager, Planning & Research

Zachary Sarver, Special Operations Coordinator

Illinois Attorney General, or his or her designee:

Caitlyn McEllis, Senior Policy Counsel

Director of the Administrative Office of the Illinois Courts, or his or her designee:

Amy Bowne, Chief Legal Counsel

A representative of an association representing circuit clerks appointed by the President of the Senate:

Vacant

A representative of an association representing sheriffs appointed by the House Minority Leader:

Jim Kaitschuk, Executive Director, Illinois Sheriff's Association

A representative of an association representing State's Attorneys appointed by the House Minority Leader:

Robert Berlin, DuPage County State's Attorney, Illinois State's Attorney's Association

A representative of an association representing chiefs of police appointed by the Senate Minority Leader:

James Keegan, Chief of Police for St. Charles, Illinois, Illinois Association of Chiefs of Police

A representative of an association representing hospitals appointed by the Speaker of the House of Representatives:

Lia Daniels, Director, Health Policy, Illinois Health and Hospital Association

A representative of an association representing counties appointed by the President of the Senate:

Vacant

A representative of an association representing municipalities appointed by the Speaker of the House of Representatives.

Mayor Reggie Freeman, Illinois Municipal League

FINAL

BACKGROUND

The Illinois Criminal Justice Information Act, 20 ILCS 3930/7.9, created the Firearm Prohibitors and Records Improvement Task Force (Appendix A). The Task Force was charged with identifying, reviewing, and addressing gaps in firearm prohibitor reporting. Firearm prohibitors are reasons that a person may be barred from owning, transferring, or possessing a firearm. The full legislation describing firearm prohibitors in detail, including relevant subsections, can be found in the Firearm Owners Identification (“FOID”) Card Act, 430 ILCS 65/8.

In summary, those prohibited from using firearms include:

- A person convicted of a felony under the laws of Illinois or any other jurisdiction.
- A person convicted of domestic battery, aggravated domestic battery, a violation of a protection order, or a similar offense.
- A person subject to a firearm-prohibiting court order.
- A person with a narcotics addiction as defined by 430 ILCS 65/1.1.
- A person who was a patient of a mental health facility in the past five years or who was a patient in a mental health facility more than five years prior and did not receive a mental health evaluation certifying that they were not a danger to themselves or others.
- A person with a mental condition who is found to pose a clear and present danger to themselves or others as defined by 430 ILCS 65/1.1.
- A person adjudicated as mentally, intellectually, or developmentally disabled as defined by Illinois law.
- A person involuntarily admitted into a mental health facility.
- A person who intentionally makes a false statement in the FOID Card application.
- A noncitizen who is unlawfully present in the United States under the laws of the United States, or a noncitizen who has been admitted to the United States under a non-immigrant visa as defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).
- A person under 21 years of age who is not an active duty member of the United States Armed Forces or the Illinois National Guard and does not have the written consent of his or her parent or guardian to acquire and possess firearms and firearm ammunition, or whose parent or guardian has revoked such written consent, or where such parent or guardian does not qualify to have a FOID Card.
- A person under 21 years of age who has been convicted of a misdemeanor or adjudged delinquent, other than for a traffic offense; or is subject to a petition filed under Section 5-520 of the Juvenile Court Act of 1987 alleging that the minor is a delinquent minor for the commission of an offense that, if committed by an adult, would be a felony.
- A person who has had their FOID Card revoked or denied because they were a patient in a mental health facility shall not be permitted to obtain a FOID Card unless they have received a mental health evaluation by a physician, clinical psychologist, or qualified examiner as those terms are defined in the Mental Health and Developmental Disabilities Code, 405 ILCS 5.

Federal law also dictates who is prohibited from firearm use and ownership. The following prohibited individuals listed in the Gun Control Act, 18 U.S.C. § 922(g), are not included in the Illinois FOID Card Act:

- Individuals with dishonorable discharge from the U.S. Armed Forces.
- Individuals who have renounced their U.S. citizenship.
- Individuals with felony indictments.
- Fugitives from justice (i.e., when an individual has an active warrant and is known to have fled the jurisdiction).

F E M I N A L

PROGRESS

The Task Force met five times between January and June 2024. Meetings occurred virtually using Cisco WebEx web conferencing software. As this Task Force met the conditions of a public body, it was subject to the rules of the Open Meetings Act, 5 ILCS 120. The general public was free to attend and comment during the meetings by using the call-in number on the meeting agendas. Meeting agendas and minutes are available on the [ICJIA website](#). Task Force meetings followed Robert's Rules of Order.

This year, one of the Task Force's objectives was to:

Receive legislative clarification on several laws related to firearms prohibitors as indicated earlier in [the 2023] report. Starting June 2023, the Legislative Subcommittee was created to dive deeper into these identified laws [430 ILCS 65, 405 ILCS 5] and to give specific recommendations for improvements.

In the meetings, state agency representatives discussed role requirements for reporting firearm prohibitors, as current legislation is lacking specific job titles. Although several legislative clarifications were discussed, the Task Force ultimately decided to prioritize one specific legislative amendment: updating the definition of "qualified examiner," a mandated reporter of firearm prohibitors. Qualified examiner is an umbrella term that includes multiple job roles. Other amendments discussed, but not prioritized, are listed in Appendix B. See Appendix C for a list of qualified examiners.

Task Force members noted the definition was missing certain healthcare roles; specifically, physician assistants and advanced practice nurses. The Task Force developed a new definition that included the roles with the goal of introducing the updated definition through legislation in Spring 2025. The updated legislation would apply to Section 1-122 of the Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-122. Related Illinois firearm prohibitor legislation points to this definition. Therefore, if the Mental Health and Developmental Disabilities Code is updated, it will have a cascading effect on related legislation. For example, in 430 ILCS 65, the FOID Card Act, it states, "'Qualified examiner' has the meaning provided in Section 1-122 of the Mental Health and Developmental Disabilities Code."

This recommendation passed with six votes in favor and three non-responses. The proposed definition statutory change is as follows (additions are underlined):

"Qualified examiner" means a person who is:

- (a) a Clinical social worker as defined in this Act,
- (b) a registered nurse with a master's degree in psychiatric nursing who has 3 years of clinical training and experience in the evaluation and treatment of mental illness which has been acquired subsequent to any training and experience which constituted a part of the degree program,
- (c) a licensed clinical professional counselor with a master's or doctoral degree in counseling or psychology or a similar master's or doctorate program from a regionally accredited institution who has at least 3 years of supervised post-master's clinical professional counseling experience

that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders,

(d) a licensed marriage and family therapist with a master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution or a similar master's program or from a program accredited by either the Commission on Accreditation for Marriage and Family Therapy or the Commission on Accreditation for Counseling Related Educational Programs, who has at least 3 years of supervised post-master's experience as a marriage and family therapist that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders.

(e) a physician assistant, or

(f) an advanced practice nurse, including those certified as nurse practitioners, specializing in mental health services.

A social worker who is a qualified examiner shall be a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act.

NEXT STEPS FOR THE TASK FORCE

Until its dissolution on July 1, 2027, the Task Force is responsible for publishing an annual report by the end of each state fiscal year. During the Task Force's final 2024 meetings, members prioritized next steps for state fiscal year 2025. They include:

- Review changes to the mental health reporting system for firearm prohibitors when the Illinois Department of Human Services makes improvements to its mental health reporting system.
- Review federal funding opportunities related to firearm prohibitors and determine which, if any, should be pursued.
- Consider steps to streamline the process of reporting clear and present danger events, perhaps through a connection between local police and healthcare providers.
- Determine the most common prohibitors used by the Illinois State Police Firearms Services Bureau.
- Develop a reporting compliance and outreach plan in partnership with Task Force agencies. Consider consequences for entities that are failing to report firearm prohibitors. This may include mandatory training as a first step, followed by fees, fines, or sanctions.
- Assess capacity for building a central webpage with information on reporting firearm prohibitor information, including where and when to report and what needs to be reported.

APPENDIX A: FIREARM PROHIBITORS AND RECORDS IMPROVEMENT TASK FORCE LEGISLATION

(20 ILCS 3930/7.9)

(Section scheduled to be repealed on July 1, 2027)

Sec. 7.9. Firearm Prohibitors and Records Improvement Task Force.

(a) As used in this Section, "firearms prohibitor" means any factor listed in Section 4 of the Firearm Owners Identification Card Act or Section 24-3 or 24-3.1 of the Criminal Code of 2012 that prohibits a person from transferring or possessing a firearm, firearm ammunition, Firearm Owner's Identification Card, or concealed carry license.

(b) The Firearm Prohibitors and Records Improvement Task Force is created to identify and research all available grants, resources, and revenue that may be applied for and used by all entities responsible for reporting federal and State firearm prohibitors to the Illinois State Police and the National Instant Criminal Background Check System. Under the Firearm Owners Identification Card Act, these reporting entities include, but are not limited to, hospitals, courts, law enforcement and corrections. The Task Force shall identify weaknesses in reporting and recommend a strategy to direct resources and revenue to ensuring reporting is reliable, accurate, and timely. The Task Force shall inventory all statutorily mandated firearm and gun violence related data collection and reporting requirements, along with the agency responsible for collecting that data, and identify gaps in those requirements. The Task Force shall submit a coordinated application with and through the Illinois Criminal Justice Information Authority for federal funds from the National Criminal History Improvement Program and the NICS Acts Record Improvement Program. The Firearm Prohibitors and Records Improvement Task Force shall be comprised of the following members, all of whom shall serve without compensation:

- (1) the Executive Director of the Illinois Criminal Justice Information Authority, who shall serve as Chair;
- (2) the Director of the Illinois State Police, or his or her designee;
- (3) the Secretary of Human Services, or his or her designee;
- (4) the Director of Corrections, or his or her designee;
- (5) the Attorney General, or his or her designee;
- (6) the Director of the Administrative Office of the Illinois Courts, or his or her designee;
- (7) a representative of an association representing circuit clerks appointed by the President of the Senate;
- (8) a representative of an association representing sheriffs appointed by the House Minority Leader;
- (9) a representative of an association representing State's Attorneys appointed by the House Minority Leader;
- (10) a representative of an association representing chiefs of police appointed by the Senate Minority Leader;
- (11) a representative of an association representing hospitals appointed by the Speaker of the House of Representatives;
- (12) a representative of an association representing counties appointed by the President of the Senate; and
- (13) a representative of an association representing

municipalities appointed by the Speaker of the House of Representatives.

(c) The Illinois Criminal Justice Information Authority shall provide administrative and other support to the Task Force. The Illinois State Police Division of Justice Services shall also provide support to the Illinois Criminal Justice Information Authority and the Task Force.

(d) The Task Force may meet in person or virtually and shall issue a written report of its findings and recommendations to General Assembly on or before July 1, 2022. The Task Force shall issue an annual report, which shall include information on the state of FOID data, including a review of previous activity by the Task Force to close previously identified gaps; identifying known (or new) gaps; a proposal of policy and practice recommendations to close those gaps; and a preview of expected activities of the Task Force for the coming year.

(e) Within 60 days of the effective date of this amendatory Act of the 102nd General Assembly, the Chair shall establish the Task Force.

(f) This Section is repealed on July 1, 2027.

(Source: P.A. 102-237, eff. 1-1-22.)

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APPENDIX B: PROPOSALS NOT PURSUED IN 2024

The following bulleted list contains legislative proposals that were discussed by the Task Force but ultimately not pursued for this year's annual report. Generally, members were seeking guidance on this list, but the group did not discuss these proposals in detail. Therefore, these proposals may be addressed in future meetings.

- The Illinois Department of Human Services indicated that some mental health providers within the Cook County Jail System claim exemptions from reporting. The definition of qualified examiner should be updated to include more precise reporting for correctional and juvenile justice facilities.
- There should be clarification on reporting of behavioral health admissions from facilities that are providing mental health care but do not have a specialized mental health unit (e.g., nursing homes). For example, the legislation only calls upon “nursing homes with behavioral health units.” This may conflict with the Colbert and Williams lawsuit and consent decree which allows patients to be housed in the least restrictive setting.
- Currently, there is no state prohibitor in place for individuals who are wanted by the law, whereas federal prohibitors include fugitives from justice. Adding a state prohibitor for this category would be helpful.
- Veterans facilities follow federal regulations. There is a lack of clarity for Veterans Health Administration facilities and qualified examiners in Illinois Veterans Affairs facilities on reporting requirements.
- The Brady Handgun Violence Prevention Act (referred to as the Brady Act), (Pub.L. 103–159, 107 Stat. 1536, enacted November 30, 1993) states that licensed firearm importers, manufacturers, or dealers must wait five days before selling or delivering a handgun to an unlicensed person. However, this provision only applies in states that do not have an alternative background check system in place. Illinois' requirements under 430 ILCS 65/8.2 are more expansive. If an individual meets federal code, it goes to a federal database for any state to take action. More clarity is needed on the exact fusion of state and federal rules on firearm prohibitors.
- Current legislation does not require universities or training programs to include mental health reporting requirements in their curriculum.
- There is not clear statutory language surrounding emergency department reporting.
- Reporting requirements for community- and grant-funded programs such as supported residential programs, crisis residential programs, and suicide hotlines are unclear.
- Current legislation does not indicate repercussions, fines or sanctions for not reporting.
- The law requires adjudicated mentally disabled (outpatient or inpatient) to be reported to the Illinois State Police by the courts. It is unclear if the facilities are also supposed to report adjudicated outpatient events to the Illinois Department of Human Services.

APPENDIX C: LIST OF QUALIFIED EXAMINERS

This information was gathered from the Appendix to the Mental Health and Developmental Disabilities Code, 405 ILCS 5/1-122. This list includes job titles and licensure descriptions for qualified examiners.

Clinical Social Worker

“[A] person who (1) has a master's or doctoral degree in social work from an accredited graduate school of social work and (2) has at least 3 years of supervised postmaster's clinical social work practice which shall include the provision of mental health services for the evaluation, treatment and prevention of mental and emotional disorders.” [405 ILCS 5/1-122.1] “A social worker who is a qualified examiner shall be a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act.” [405 ILCS 5/1-122]

Registered Nurse

“[A] registered nurse with a master's degree in psychiatric nursing who has 3 years of clinical training and experience in the evaluation and treatment of mental illness which has been acquired subsequent to any training and experience which constituted a part of the degree program.” [405 ILCS 5/1-122]

Licensed Clinical Professional Counselor

“[A] licensed clinical professional counselor with a master's or doctoral degree in counseling or psychology or a similar master's or doctorate program from a regionally accredited institution who has at least 3 years of supervised post-master's clinical professional counseling experience that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders.” [405 ILCS 5/1-122]

Marriage and Family Therapist

“[A] licensed marriage and family therapist with a master's or doctoral degree in marriage and family therapy from a regionally accredited educational institution or a similar master's program or from a program accredited by either the Commission on Accreditation for Marriage and Family Therapy or the Commission on Accreditation for Counseling Related Educational Programs, who has at least 3 years of supervised postmaster's experience as a marriage and family therapist that includes the provision of mental health services for the evaluation, treatment, and prevention of mental and emotional disorders.” [405 ILCS 5/1-122]