



ILLINOIS  
GUN VIOLENCE  
PREVENTION  
COALITION

# SUPPORT HB 96 AMENDMENT 1

# FIX THE FOID

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**SUPPORTERS INCLUDE OVER 170 ORGANIZATIONS IN THE ILGVP COALITION**



Illinois has many strong laws in place that prohibit people with violent criminal histories from buying guns. However, the tragic shooting at Henry Pratt Company in Aurora on February 15, 2019 brought to light dangerous gaps in the state law that allowed the shooter, who had a previous felony conviction, easy access to guns. The Fix the FOID Act (HB 96, Amendment 1) would address many of these gaps, strengthen the FOID system, and help ensure that people with violent criminal histories who are prohibited from gun possession are not able to easily evade the law and arm themselves.

## OVERVIEW OF CURRENT LAW

Under current Illinois law, individuals seeking to buy a gun must first obtain a Firearm Owners Identification (FOID) Card from the Department of State Police. The process for obtaining a FOID card involves: (1) submitting an application via mail or online attesting to the applicant's eligibility to possess guns and a photo; and (2) completion of a background check by the State Police. A FOID Card is valid for 10 years and an individual is able to buy an unlimited number of guns under the authority of that card. If a FOID Card holder subsequently becomes prohibited from gun possession, State Police sends the individual a notice of revocation of the FOID Card and directs them to give up any guns in their possession and submit a Firearm Disposition Record to State Police confirming that they have done so.<sup>1</sup>

## WEAKNESSES HIGHLIGHTED BY AURORA SHOOTING

On February 15, 2019, an employee opened fire in the Henry Pratt Company after being terminated, killing five people and injuring 6 others<sup>4</sup>. The shooter had obtained a FOID Card in January 2014, despite a 1995 aggravated assault conviction in Mississippi that should have caused him to fail the background check. In March 2014, the shooter applied for a concealed carry license for a handgun and submitted his fingerprints to expedite the process, which then turned up the 1995 conviction. State Police denied the carry license application and revoked his FOID Card, sending him a notice that he was required to surrender any firearms in his possession and submit a Firearm Disposition Record indicating that he had complied.<sup>3</sup> However, the shooter failed to submit the Firearm Disposition Record to State Police or to surrender his firearms and law enforcement never followed up after the initial letter.<sup>4</sup>

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# KEY ELEMENTS OF HB 96

**HB 96 would strengthen Illinois law and address many of the gaps in the current law that enabled the Aurora shooting, the Mercy Hospital shooting and as important, the everyday gun violence plaguing our state.**

**Key elements of the bill include:**

- **Requiring a point-of-sale background check for all gun sales, including those by an unlicensed seller.**
  - Under current law, an unlicensed seller must only verify that a prospective buyer has a valid FOID Card, but there is no requirement that a background check be conducted at the time of the sale. HB 96 would require that unlicensed sales be facilitated by a licensed gun dealer and include a background check.
  - The bill includes commonsense exceptions for law enforcement, gunsmiths, loans for shooting at a range or hunting, transfers through an estate, and buyback programs.
  - Requiring a background check for every gun sale is the foundation of a strong and effective gun violence prevention policy and a valuable tool to help reduce illegal firearm trafficking. For example, a 2009 study found intrastate gun trafficking was 48% lower in cities in states that regulated unlicensed handgun sales.<sup>5</sup>
- **Requiring FOID applicants to apply in person with the State Police**
  - Under current law, FOID applications can be completed online or by mail, making Illinois one of only two states that do not require in-person applications for this type of permit.<sup>6</sup> Requiring in-person applications would make it more difficult for applicants to lie or falsify their identities.
- **Requiring FOID applicants to submit fingerprints as part of their application**
  - Requiring that FOID applicants submit fingerprints will help ensure that an accurate criminal history can be ascertained at the time of the application.<sup>7</sup>
  - Including fingerprints as part of a purchaser application, in addition to requiring that the application be completed in-person, has shown to be effective at reducing gun violence.
  - For example, Connecticut's Permit to Purchase handgun licensing system, which requires an in-person application, fingerprinting, and safety training, and limits the validity of the license to only 5 years, was linked to a reduction in gun homicides by 40 percent during the 10-year span the law was implemented.<sup>8</sup>
- **Requiring action by law enforcement to remove guns once a FOID Card is revoked**
  - HB 96 would require that law enforcement take action when a person whose FOID Card has been revoked fails to voluntarily surrender it and complete a Firearm Disposition Record. If an officer has evidence that a person failed to comply with the law, they would be required to ask a court for a warrant to search for and seize any guns or FOID Card in the person's possession.
  - Current enforcement of the FOID revocation law is extremely lax. According to Illinois State Police, in 2018 10,818 FOID cards were revoked but only 2,616 Firearm Disposition Records were received and only 3,469 FOID cards were returned to law enforcement.<sup>9</sup>
- **Reducing the FOID Card duration from 10 years to 5 years**
  - Illinois is 1 of only 2 states whose license to purchase firearms is valid for 10 years.<sup>10</sup>
  - Shorter license durations, coupled with other measures like in-person applications and fingerprinting, are tied to lower levels of gun violence.<sup>11</sup>
  - Shorter license durations also require persons seeking to purchase firearms to undergo background checks more often, enabling the licensing system to reduce the risk of people who become prohibited after obtaining a FOID card from using their card to purchase firearms from unlicensed sellers.
- **Strengthening the Concealed Carry License Process**
  - Under current law, State Police have limited discretion to deny an application for a concealed carry license even if there is reason to believe the applicant poses a risk to themselves or others.<sup>12</sup>
  - The limitations of this approach were tragically demonstrated in November 2018 when a concealed carry licensee entered Mercy Hospital and killed his ex-fiancée, Dr. Tamara O'Neal, and two others, including a Chicago police officer. The shooter was able to obtain a carry permit despite a history of domestic abuse and making threats with a gun.<sup>13</sup>
  - HB 96 would address this gap by giving State Police discretion to deny a concealed carry license upon a determination that "the applicant poses a significant danger of causing bodily injury to himself, herself, or another person in the near future by possessing a concealed firearm."

1 Giffords Law Center, "Licensing of Gun Owners & Purchasers in Illinois," available at <https://lawcenter.giffords.org/licensing-of-gun-owners-or-purchasers-in-illinois/>.

2 Madeline Holcombe, "Aurora gunman opened fire on his coworkers as soon as he lost his job," CNN, February 18, 2019, available at <https://www.cnn.com/2019/02/17/us/aurora-shooting-termination/index.html>.

3 Illinois State Police, "Illinois State Police Provide Additional Information Related to the FOID Process and Gary Martin," available at <http://www.isp.state.il.us/media/pressdetails.cfm?ID=1019>.

4 Ben Bradley, "Aurora shooter's FOID card was revoked; gun never confiscated," WGN9, February 16, 2019, available at <https://wgntv.com/2019/02/16/aurora-shooters-foid-card-was-revoked-gun-never-confiscated/>; Illinois State Police, "Illinois State Police Provide Additional Information Related to the FOID Process and Gary Martin," available at <http://www.isp.state.il.us/media/pressdetails.cfm?ID=1019>.

5 Daniel W. Webster, Jon S. Vernick, and Maria T. Bulzacchelli, "Effects of State-Level Firearm Seller Accountability Policies on Firearms Trafficking," *Journal of Urban Health: Bulletin of the New York Academy of Medicine* 86 (4) (2009): 525-537, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2704273/>

6 Cassandra Crifasi, Alexander McCourt, and Daniel Webster, "Policies to Reduce Gun Violence in Illinois: Research, Policy Analysis, and Recommendations," (Baltimore: Johns Hopkins Bloomberg School of Public Health, 2019), available at <https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/jhsph-gun-violence-in-illinois.pdf>.

7 Illinois State Police, "FOID Frequently Asked Questions: What do I need to Complete My Application," available at <https://www.ispsfb.com/Public/FAQ.aspx>.

8 Rudolph KE, Stuart EA, Vernick JS, Webster DW. Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides. *American Journal of Public Health*. 2015;105(8):e49-e54. doi:10.2105/AJPH.2015.302703.

9 Illinois State Police, "Illinois State Police Provide Additional Information Related to the FOID Process and Gary Martin," available at <http://www.isp.state.il.us/media/pressdetails.cfm?ID=1019>.

10 Crifasi, McCourt and Webster; Giffords Law Center, "Licensing: Summary of State Law," available at <https://lawcenter.giffords.org/gun-laws/policy-areas/gun-owner-responsibilities/licensing/#state>.

11 Rudolph KE, Stuart EA, Vernick JS, Webster DW. Association Between Connecticut's Permit-to-Purchase Handgun Law and Homicides. *American Journal of Public Health*. 2015;105(8):e49-e54. doi:10.2105/AJPH.2015.302703.

12 430 Ill. Comp. Stat. § 66/25. Under current law, the only avenue for preventing someone obtaining a concealed carry permit is by submitting an objection to the Concealed Carry Licensing Review Board. 430 Ill. Comp. Stat. § 66/15(a).

13 Chuck Goudie et. al, "Mercy Hospital Chicago Shooting: Illinois State Police investigating Mercy Hospital shooter's gun permits, November 21, 2018, available at <https://abc7chicago.com/state-police-investigating-mercy-hospital-shooters-gun-permits/4734827/>.