



STATE OF ILLINOIS

OFFICE OF THE AUDITOR GENERAL

MANAGEMENT AUDIT OF THE
DEPARTMENT OF STATE POLICE'S
ADMINISTRATION OF THE
FIREARM OWNER'S IDENTIFICATION ACT

APRIL 2012

WILLIAM G. HOLLAND

AUDITOR GENERAL

SPRINGFIELD OFFICE:
ILES PARK PLAZA
740 EAST ASH • 62703-3154
PHONE: 217/782-6046
FAX: 217/785-8222 • TTY: 888/261-2887



CHICAGO OFFICE:
MICHAEL A. BILANDIC BLDG. • SUITE S-900
160 NORTH LASALLE • 60601-3103
PHONE: 312/814-4000
FAX: 312/814-4006

OFFICE OF THE AUDITOR GENERAL
WILLIAM G. HOLLAND

*To the Legislative Audit Commission, the
Speaker and Minority Leader of the House
of Representatives, the President and
Minority Leader of the Senate, the members
of the General Assembly, and
the Governor:*

This is our report of the management audit of the Firearm Owner's Identification (FOID) Card Program.

The audit was conducted pursuant to House Resolution Number 89, which was adopted April 14, 2011. This audit was conducted in accordance with generally accepted government auditing standards and the audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310.

The audit report is transmitted in conformance with Section 3-14 of the Illinois State Auditing Act.

A handwritten signature in blue ink, appearing to read "William G. Holland".

WILLIAM G. HOLLAND
Auditor General

Springfield, Illinois
April 2012



STATE OF ILLINOIS
OFFICE OF THE
AUDITOR GENERAL

William G. Holland, Auditor General

SUMMARY REPORT DIGEST

ILLINOIS FIREARM OWNER'S IDENTIFICATION (FOID) CARD PROGRAM

Management Audit

Release Date: April 2012

SYNOPSIS

House Resolution Number 89 required the Office of the Auditor General to conduct a management audit of the Illinois State Police's (ISP) administration of the Firearm Owners Identification Card (FOID) Act. Our audit concluded that the effectiveness of the FOID card program is limited in promoting and protecting the safety of the public.

There are significant deficiencies in the reporting of individuals with potentially disqualifying mental health conditions to ISP. During 2010, **only 3 of the 102 circuit court clerks (3%) submitted mental health court orders to ISP as required by the Act.** As a result, ISP did not receive the information needed from the circuit court clerks to revoke or deny FOID cards. Due to the lack of reporting by circuit court clerks in Illinois, ISP could not report all individuals adjudicated as a "mental defective" or "intellectually disabled" (terms used by the Act) to the FBI's National Instant Criminal Background Check System (NICS), as required by the Act. Fifty-six of the 121 (46%) orders received from circuit court clerks during 2010 did not contain information determined by ISP to be necessary, including date of birth, gender, or race. We found that 27 of the 121 (22%) orders from the circuit court clerks were not reported to NICS.

Mental health admissions data received by the Department of Human Services from private hospitals and nursing homes did not make the distinction between voluntary and involuntary admission; therefore, ISP could not report any individuals with disqualifying mental health admissions (i.e., adjudicated involuntary admissions) from private hospitals or nursing homes to NICS.

Our audit also found that:

- The Illinois State Police's Firearms Services Bureau did not approve all FOID cards in the required 30 days for the 903,139 applications received during 2008, 2009, and 2010. **Over the three year period, 566,616 of 879,906 (64%) applications were approved within 30 days.** In 2008, 40 percent of cards were approved within 30 days. The processing times improved to 80 percent in 2009 and decreased to 70 percent in 2010.
- ISP did not deny all FOID card applications in the required 30 days. For applications received during 2008, 2009, and 2010, ISP denied 20,152. Over the three year period, 71 percent of the denied FOID cards were denied within the required 30 days.
- During 2008, 2009, and 2010, the ISP recorded 21,212 reasons for revocations of FOID cards for 20,227 cardholders. **ISP officials estimated that only 30 percent of revoked FOID cards are returned to ISP.**
- ISP did not have enough Customer Service Representatives to handle the volume of calls that are received by the Bureau related to the FOID card program. According to call logs provided by ISP, during the last quarter of 2010, **25,131 of 29,420 calls (85%) were not answered by ISP.**
- According to documentation provided by ISP, from July 1, 2009, through June 30, 2011, the State Police spent \$526,919 on overtime for FOID card processing.

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**FINDINGS, CONCLUSIONS, AND
RECOMMENDATIONS**

BACKGROUND

To promote and protect the health, safety, and welfare of the public, Illinois residents are required by the Firearm Owners Identification Card Act (430 ILCS 65) to have a valid FOID card in order to possess or purchase firearms or ammunition. The law originally became effective in 1968. The Firearm Owner's Identification Card (FOID) Program is administered by the Firearms Services Bureau (Bureau) within the Illinois State Police (ISP). Although an individual has a valid FOID card, an additional background check will be conducted on the individual at the time a firearm is purchased from a federally licensed firearm dealer, gun show promoter, or gun show vendor. The background check conducted at the time of purchase is also conducted by the Bureau, which administers the Firearm Transfer Inquiry Program.

The Illinois State Police's Firearms Services Bureau received 903,139 FOID applications and approved 879,906 during 2008, 2009, and 2010.

As seen in Digest Exhibit 1, the Illinois State Police's Firearms Services Bureau received 903,139 FOID applications and approved 879,906 during 2008, 2009, and 2010. The Bureau denied 20,152 of the 903,139 applications during the three year period. According to ISP, as of January 2011, there were 1,316,508 individuals with active FOID cards in Illinois. (page 4, 44)

Digest Exhibit 1 FOID CARD APPLICATIONS RECEIVED, APPROVED, AND DENIED For applications received during 2008 - 2010				
	Applications Received	Applications Approved	Applications Denied	Other ¹
2008	285,707	277,727	6,426	1,554
2009	327,442	319,612	6,893	937
2010	289,990	282,567	6,833	590
Totals	903,139	879,906	20,152	3,081
Note: ¹ Includes duplicate applications that were cancelled or applications that were pending receipt of additional information.				
Source: ISP data summarized by the OAG.				

OVERALL CONCLUSION

The effectiveness of the Illinois FOID card program operated by the ISP is limited in promoting and protecting the safety of the public.

The effectiveness of the Illinois FOID card program operated by the ISP is limited in promoting and protecting the safety of the public. There are significant deficiencies in the reporting of individuals with potentially disqualifying mental health conditions to the Illinois State Police. In addition, because many of these

disqualifying conditions are also required to be reported to the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS), which is used by other states when individuals purchase firearms, the safety of the general public as a whole is at risk. (pages 17, 23)

MENTAL HEALTH REPORTING TO DHS AND ISP

We reviewed all mental health reports ISP reported receiving from Illinois circuit court clerks during 2010 and determined that only 3 of the 102 circuit court clerks (3%) submitted mental health court orders to ISP as required.

Due to the lack of reporting by circuit court clerks in Illinois, ISP could not report all individuals adjudicated as a "mental defective" or "intellectually disabled" to the FBI's NICS, as required by the Act.

Since there is no distinction between voluntary and involuntary admissions within the DHS data, ISP could not report any individuals with disqualifying mental health admissions from private hospitals or nursing homes to the FBI's NICS database.

We reviewed all mental health reports ISP reported receiving from Illinois circuit court clerks during 2010 and determined that only 3 of the 102 circuit court clerks (3%) submitted mental health court orders to ISP as required by the Firearm Owners Identification Card Act (Act). Consequently, in most counties, if the court finds individuals to be a "mental defective" or "intellectually disabled" (terms used by the Act), ISP is not receiving the information needed from the circuit court clerks to revoke or deny FOID cards for individuals from those counties. Unless reported by another source (such as a State-operated mental health facility, hospital, etc.), individuals from those counties could receive or continue to hold a valid FOID card and could use it to purchase firearms and ammunition. Due to the lack of reporting by circuit court clerks in Illinois, ISP could not report all individuals adjudicated as a "mental defective" or "intellectually disabled" to the FBI's NICS, as required by the Act. (page 25)

Furthermore, the information submitted by the three circuit court clerks to ISP was missing critical information needed for the FOID card eligibility determination process. Fifty-six of the 121 (46%) orders received from circuit court clerks during 2010 did not contain information determined by ISP to be necessary, including date of birth, gender, or race. We found that 27 of the 121 (22%) orders from the circuit court clerks were not reported to NICS. Of those 27, 18 of the orders received did not contain the necessary information needed to report to NICS. (page 26)

There are also issues related to the reporting of mental health data by the Department of Human Services (DHS) to the State Police. Mental health admissions data received by the DHS from private hospitals and nursing homes does not make the distinction between voluntary and involuntary admission. Since State law considers both voluntary and involuntary admissions as firearm prohibitors, the lack of distinguishing between type of admission does not impact ISP's FOID card eligibility determination process. However, under federal law, only individuals **adjudicated** as a "mental defective" (i.e., involuntarily admitted) are considered to have a firearm prohibitor and can be reported to NICS. Since there is no distinction between voluntary and involuntary admissions within the DHS data, ISP could not report any individuals with disqualifying mental health admissions from private hospitals or nursing homes to the NICS database.

Hospitals and nursing homes did not report mental health admissions to DHS within seven days from admission as required by 740 ILCS 110/12(b). During calendar year 2010, only 13 of

105 private hospitals and nursing homes reported admissions to DHS within an average of 7 days. (pages 29-31)

MENTAL HEALTH REPORTING TO NICS BY ISP

Although the Illinois State Police were required by Illinois law to report mental health prohibitors to NICS effective June 1, 2008, the first mental health events reported to NICS by ISP were in December 2010. In December 2010, ISP reported 5,154 events. As of August 31, 2011, Illinois had reported 6,732 prohibited mental health events, which is far fewer than states such as California, Texas, New York, Virginia, Michigan, and Washington.

In December 2010, ISP reported 5,154 events. The average time it took ISP to report these events from the time the information was entered by DHS was 469 days. ISP has been reporting regularly since April 2011. According to information provided by ISP, since April 2011, the average days to report events are 56.

The data submitted to NICS by ISP, with some exceptions, contains the following: Patient ID; Event Date; Last Name; First Name; Gender; Date of Birth; and Social Security Number. The data did not include the physical description as required by the Act.

Our review of the information submitted by ISP to NICS identified issues with the accuracy of the information submitted. Our review of the 6,932 mental health events reported to NICS by ISP as of September 26, 2011, determined that the 6,932 events were for 3,729 individuals. We compared the entries and determined that individuals who were entered into the system more than once had incorrect information. We identified 63 NICS entries from Illinois with incorrectly spelled names, 53 with incorrect dates of birth, and 52 with incorrect social security numbers. (pages 31-34)

FOID CARD PROGRAM ISSUES AT ISP

We conducted reviews of the FOID eligibility process and identified significant management control problems with ISP's administration of the program that impact program effectiveness. The Firearms Services Bureau did not have up-to-date policies and procedures, up-to-date administrative rules, and did not provide formal training to the Bureau staff related to the process for determining FOID card eligibility. (pages 18-19)

During our review of the FOID card process, we observed thousands of FOID cards were not being delivered to the applicants. State Police officials noted FOID cards are often returned by the post office as undeliverable. We estimated as of September 14, 2011, there were more than 6,200 returned FOID cards at ISP that were not being worked. (page 36-37)

The Firearms Services Bureau did not have up-to-date policies and procedures, up-to-date administrative rules, and did not provide formal training to the Bureau staff related to the process for determining FOID card eligibility.

ISP did not have enough Customer Service Representatives to handle the volume of calls that are received by the Bureau related to the FOID card program. As seen in Digest Exhibit 2, call logs provided by ISP showed that during the last quarter of 2010, 25,131 of 29,420 calls (85%) were not answered by ISP. (page 37)

Digest Exhibit 2 ISP FOID HOTLINE CALLS 4 th Quarter Calendar Year 2010			
	Calls Received	Calls Answered	Calls Abandoned
Oct. 2010	10,257	1,119	9,138
Nov. 2010	9,757	1,299	8,458
Dec. 2010	9,406	1,871	7,535
Totals	29,420	4,289	25,131
Source: Call log provided by ISP.			

The Firearms Services Bureau lacks effective controls to ensure timely processing of FOID card applications.

The Firearms Services Bureau lacks effective controls to ensure timely processing of FOID card applications. We found that the November 15, 2011, Jeopardy Report (which identifies pending applications that are older than 30 days) contained 2,284 applications of which 2,043 were from October 11, 12, or 13. It appears that these were never processed to be manually worked by eligibility staff. (pages 39-40)

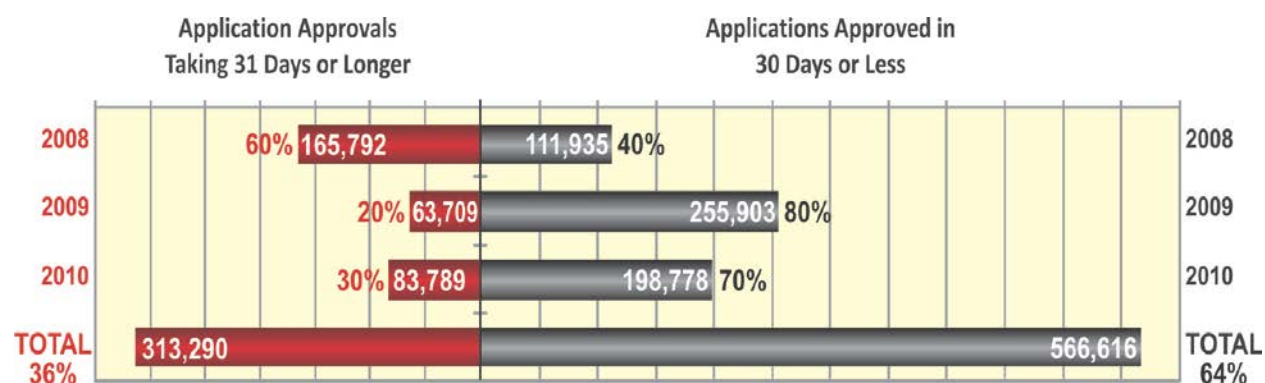
The Illinois State Police could not produce complete procurement documentation for the contracts related to the FOID card process. Some information was provided, which included bid proposals for the remittance, keying, and scanning. We could not find any decision documents such as evaluation or scoring sheets within the information provided by ISP. (pages 40-41)

FOID CARD PROCESSING STATISTICS

The Bureau did not approve all FOID cards in the required 30 days during 2008, 2009, and 2010.

As seen in Digest Exhibit 3, the Bureau did not approve all FOID cards in the required 30 days during 2008, 2009, and 2010. ISP's timeliness of the FOID card approval process improved since 2008. In 2008, only 40 percent of cards were approved within the required 30 days. The processing times improved to 80 percent in 2009 and decreased to 70 percent in 2010. Over the three year period, 566,616 of 879,906 (64%) applications were approved within 30 days. (page 45)

Digest Exhibit 3
TIMELINESS OF THE FOID CARD APPLICATIONS APPROVED
 For applications received during 2008 - 2010



Source: ISP data summarized by the OAG.

During 2008, 2009, and 2010, the Bureau did not deny all FOID card applications in the required 30 days.

During 2008, 2009, and 2010, the Bureau did not deny all FOID card applications in the required 30 days. In 2008, 67 percent of FOID cards were denied within 30 days. The percentage increased to 78 percent in 2009 and decreased to 67 percent in 2010. Over the three year period, 71 percent of the denied FOID cards were denied within the required 30 days. During 2008, 2009, and 2010, the Firearms Services Bureau received 903,139 FOID applications, approved 879,906 and denied 20,152. (page 44, 46)

During 2008, 2009, and 2010, the ISP recorded 21,212 reasons for revocations of FOID cards for 20,227 cardholders. ISP officials estimated that only 30 percent of revoked FOID cards are returned to ISP. While an individual who retained a revoked FOID card would be unable to purchase a firearm from a licensed firearm dealer (since the ISP matches should identify that the card was revoked), the individual would still be able to present the FOID card and purchase ammunition (since the purchaser is only required to show his FOID card -- no background check is run when ammunition is sold). Furthermore, when a firearm is privately sold, the seller is required only to record the FOID card number of the buyer. Since no background check is done, the seller would have no knowledge that the FOID card the buyer is presenting had been revoked. (page 48)

The Firearms Services Bureau spent hundreds of thousands of dollars on overtime for its employees to process FOID card applications.

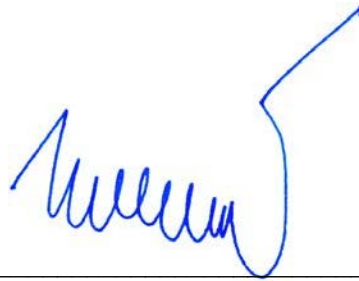
The Firearms Services Bureau spent hundreds of thousands of dollars on overtime for its employees to process FOID card applications. According to documentation provided by ISP, from July 1, 2009, through June 30, 2011, the State Police spent \$526,919 on overtime for FOID card processing. Three employees accounted for \$239,156 of the \$526,919 (45%). We looked at the FY10 salaries for the four individuals with the most overtime and determined that the four received \$84,451 in

overtime pay in addition to the \$279,090 earned in annual salary. (pages 52-53)

The audit resolution asked whether the ISP has denied any applications because the applicant provided false information and, if so, whether the ISP made any referrals for criminal prosecution for providing false information. ISP officials noted that it's difficult to determine whether the information was false or whether it was a mistake. According to ISP, ISP did not refer these cases for prosecution. (page 53)

RECOMMENDATIONS

The audit contains 12 recommendations. Eleven of the recommendations were specifically directed to the Illinois State Police. One recommendation was directed to both the Illinois State Police and the Illinois Department of Human Services. The State Police and the Department of Human Services agreed with all 12 recommendations. Appendix F to the report contains the agency responses.



WILLIAM G. HOLLAND
Auditor General

WGH:SAW

AUDITORS ASSIGNED: This Management Audit was performed by the Office of the Auditor General's staff.

TABLE OF CONTENTS

	Auditor General’s Transmittal Letter Report Digest Table of Contents	i
Chapter One INTRODUCTION AND BACKGROUND	Report Conclusions Background Firearm Owner’s Identification Card Program FOID Card Process Other States with Programs Similar to FOID Scope and Methodology Report Organization	1 4 4 8 11 12 13
Chapter Two ADMINISTRATION OF THE FOID CARD PROGRAM	Chapter Conclusions Overall Effectiveness of the FOID Card Program Administration of the FOID Card Program FOID Guidance • Recommendation 1: Guidance Over the FOID Card Program Requested Eligibility Information Eligibility Process Review Mental Health Information Reporting Reporting by Circuit Court Clerks • Recommendation 2: Reporting by Circuit Court Clerks Reporting by Public and Private Hospitals and Mental Health Facilities Problems with Mental Health Reporting No Distinction between Involuntary and Voluntary Admissions Not all Required Entities Reporting Untimely Reporting • Recommendation 3: Reporting by Hospitals, Nursing Homes, and Mental Health Facilities Reporting to NICS by the Illinois State Police Timeliness of Information Reported to NICS Inaccurate Information Reported to NICS • Recommendation 4: Information Reported to NICS by the State Police Eligibility Information for Minor Applicants • Recommendation 5: Parent/Guardian	15 17 18 18 20 20 22 23 25 27 28 29 29 30 30 31 31 33 33 34 35 36

	Information Undelivered FOID Cards 36 Customer Service Representatives 37 <ul style="list-style-type: none"> • Recommendation 6: Customer Service 37 FOID Cards for Out-of-State Applicants 38 • Recommendation 7: Out-of-State Applicants 39 Controls Over the Eligibility Determination Process 39 • Recommendation 8: Management Controls Over Eligibility Process 40 Procurement Information 40 • Recommendation 9: Procurement Documentation 41 	
Chapter Three FOID CARD STATISTICS AND TIMELINESS	Chapter Conclusions 43 FOID Card Processing Statistics 44 Applications Received, Approved, and Denied 44 Timeliness of FOID Card Application Processing 45 <ul style="list-style-type: none"> • Recommendation 10: Timeliness of FOID Card Approval and Denial 46 FOID Cards Denied 47 FOID Cards Revoked 48 Inaccurate FOID Reporting 49 • Recommendation 11: Reporting by the State Police 50 Cost of the FOID Card Program 50 Overtime Costs 52 • Recommendation 12: Overtime Costs Incurred by the State Police 53 Entering False Information on Application 53 NICS Act Records Improvement Program Grant 54 	
EXHIBITS	TITLE	PAGE
Exhibit 1-1	Summary of General Firearm Possession Prohibitors	7
Exhibit 1-2	FOID Card Applications Received and Approved	8
Exhibit 1-3	FOID Card Application Process	9
Exhibit 1-4	FOID Card Program Vendor Payments	10
Exhibit 1-5	Summary of Other States that Require Permits to Purchase or Possess Firearms	11

Exhibit 2-1	Issues that Limit the Effectiveness of Firearm Eligibility Determinations	18
Exhibit 2-2	FOID Mental Health Reporting Process	24
Exhibit 2-3	Mental Health Reporting by Circuit Court Clerks	25
Exhibit 2-4	Mental Health Records Submitted to the National Instant Criminal Background Check System	32
Exhibit 2-5	ISP FOID Hotline Calls	37
Exhibit 3-1	FOID Card Applications Received, Approved, and Denied	44
Exhibit 3-2	Timeliness of FOID Card Applications Approved	45
Exhibit 3-3	Timeliness of FOID Card Applications Denied	46
Exhibit 3-4	Reasons for Denial of FOID Card Applications	47
Exhibit 3-5	Reasons for Revocation of FOID Cards	49
Exhibit 3-6	Inaccurate FOID Numbers Reported by ISP	50
Exhibit 3-7	FOID Card Program Cost	51
Exhibit 3-8	Analysis of FOID Card Program Costs	52
Exhibit 3-9	FY10 Highest Overtime Earners	52
APPENDICES	TITLE	PAGE
Appendix A	House Resolution Number 89	57
Appendix B	Sampling & Analytical Methodology	61
Appendix C	Firearm Owners Identification Card Act	65
Appendix D	FOID Card Application	89
Appendix E	Average Days for Private Hospitals and Nursing Homes to Report Mental Health Events to DHS	95
Appendix F	Agency Responses	101

INTRODUCTION AND BACKGROUND

REPORT CONCLUSIONS

The effectiveness of the Illinois Firearm Owner's Identification (FOID) card program operated by the Illinois State Police (ISP) is limited in promoting and protecting the safety of the public. There are significant deficiencies in the reporting of individuals with potentially disqualifying mental health conditions to the Illinois State Police that seriously undermine the effectiveness of the FOID program. In addition, because many of these disqualifying conditions are also required to be reported to the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS), which is used by other states when individuals purchase firearms, the safety of the general public as a whole is at risk. According to ISP, as of January 2011, there were 1,316,508 individuals with active FOID cards in Illinois.

We reviewed all mental health reports ISP reported receiving from Illinois circuit court clerks during 2010 and determined that **only 3 of the 102 circuit court clerks (3%) submitted mental health court orders to ISP as required by the Firearm Owners Identification Card Act (Act)**. Consequently, in most counties, if the court finds individuals to be a "mental defective" or "intellectually disabled" (terms used by the Act), ISP is not receiving the information needed from the circuit court clerks to revoke or deny FOID cards for individuals from those counties. **Unless reported by another source (such as a State-operated mental health facility, hospital, etc.), individuals from those counties could receive or continue to hold a valid FOID card and could use it to purchase firearms and ammunition.** Due to the lack of reporting by circuit court clerks in Illinois, ISP could not report all individuals adjudicated as a "mental defective" or "intellectually disabled" to the FBI's NICS, as required by the Act.

Furthermore, the information submitted by the three circuit court clerks to ISP was missing critical information needed for the FOID card eligibility determination process. Fifty-six of the 121 (46%) orders received from circuit court clerks during 2010 did not contain information determined by ISP to be necessary, including date of birth, gender, or race. We found that 27 of the 121 (22%) orders from the circuit court clerks were not reported to NICS. Of those 27, 18 of the orders received did not contain the necessary information needed to report to NICS.

There are also issues related to the reporting of mental health data by the Department of Human Services (DHS) to the State Police. Mental health admissions data received by the DHS from private hospitals and nursing homes does not make the distinction between voluntary and involuntary admission. Since State law considers both voluntary and involuntary admissions as firearm prohibitors, the lack of distinguishing between type of admission does not impact ISP's FOID card eligibility determination process. However, under federal law, only individuals

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Hospitals and nursing homes did not report mental health admissions to DHS within seven days from admission as required by 740 ILCS 110/12(b). During calendar year 2010, only 13 of 105 private hospitals and nursing homes reported admissions to DHS within an average of 7 days.

Although the Illinois State Police were required by Illinois law to report mental health prohibitors to NICS effective June 1, 2008, the first mental health events reported to NICS by ISP were in December 2010. In December 2010, ISP reported 5,154 events. The average time it took ISP to report these events from the time the information was entered by DHS was 469 days. ISP has been reporting regularly since April 2011. According to information provided by ISP, since April 2011, the average days to report events are 56.

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Our review of the information submitted by ISP to NICS identified issues with the accuracy of the information submitted. Our review of the 6,932 mental health events reported to NICS by ISP as of September 26, 2011, determined that the 6,932 events were for 3,729 individuals. We compared the entries and determined that individuals who were entered into the system more than once had incorrect information. We identified 63 NICS entries from Illinois with incorrectly spelled names, 53 with incorrect dates of birth, and 52 with incorrect social security numbers.

The Illinois State Police’s Firearms Services Bureau received 903,139 FOID applications and approved 879,906 during 2008, 2009, and 2010. The Bureau denied 20,152 of the 903,139 applications during the three year period.

We found that ISP staff was reviewing the potential firearm prohibitors that were identified by the various database matches conducted. We randomly selected 68 FOID card applications received during 2010 and reviewed the steps taken by ISP to determine eligibility. All of the applicants that were initially flagged by the FOID system for possible prohibitors were worked and appropriately cleared by FOID staff, and therefore, were found not to have a FOID prohibitor. We concluded that ISP’s management controls over the eligibility process could be strengthened by updating its FOID policies, procedures, and administrative code, as well as providing additional training to staff that conducts the eligibility reviews.

The Bureau did not approve all FOID cards in the required 30 days during 2008, 2009, and 2010. ISP’s timeliness of the FOID card approval process improved since 2008. In 2008, only 40 percent of cards were approved within the required 30 days. The processing times improved to 80 percent in 2009 and decreased to 70 percent in 2010. Over the three year period, 566,616 of 879,906 (64%) applications were approved within 30 days.

Additionally, the Bureau did not deny all FOID card applications in the required 30 days. For applications received during 2008, 2009, and 2010, ISP denied 20,152. In 2008, 67 percent of FOID cards were denied within 30 days. The percentage increased to 78 percent in 2009 and decreased to 67 percent in 2010. Over the three year period, 71 percent of the denied FOID cards were denied within the required 30 days.

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The information on the numbers of FOID applications received and denied, and the number of FOID cards revoked are not being reported accurately by the State Police. These numbers were provided by ISP for 2010 and were published in the 2009 State Police Annual Report for 2008 and 2009. We reviewed the information in the FOID database, which was provided by ISP, and determined that the published numbers were not accurate.

During our review of the FOID card process, we observed thousands of FOID cards were not being delivered to the applicants. State Police officials noted FOID cards are often returned by the post office as undeliverable. We estimated as of September 14, 2011, there were more than 6,200 returned FOID cards at ISP that were not being worked.

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The Firearms Services Bureau spent hundreds of thousands of dollars on overtime for its employees to process FOID card applications. According to documentation provided by ISP,

from July 1, 2009 through June 30, 2011, the State Police spent \$526,919 on overtime for FOID card processing. Three employees accounted for \$239,156 of the \$526,919 (45%).

The audit resolution asked whether the ISP has denied any applications because the applicant provided false information and, if so, whether the ISP made any referrals for criminal prosecution for providing false information. ISP officials noted that it's difficult to determine whether the information was false or whether it was a mistake. According to ISP, ISP did not refer these cases for prosecution.

BACKGROUND

House Resolution Number 89 requires the Office of the Auditor General to conduct a management audit of the Department of the State Police's administration of the Firearm Owners Identification Card Act. The audit is to include, but not be limited to, the following determinations:

1. What steps the Department of State Police takes to determine whether an applicant is eligible or ineligible to receive a Card and whether those steps appear to be adequate;
2. The total number of applicants during the past 3 years, the number of those applicants who were denied a Card, and the reasons for denial;
3. Whether the Department of State Police is approving or denying all applications within 30 days after the date they are received;
4. The total number of Cards that were revoked during the past 3 years and the reasons for revocation; and
5. Whether, during the past 3 years, the Department of State Police has denied any applications for a Card because the applicant provided false information and, if so, whether the Department of State Police made any referrals for criminal prosecution of applicants providing false information on a Card application.

FIREARM OWNER'S IDENTIFICATION CARD PROGRAM (FOID)

To promote and protect the health, safety, and welfare of the public, Illinois residents are required by the Firearm Owners Identification Card Act (430 ILCS 65) to have a valid FOID card in order to possess or purchase firearms or ammunition. The law originally became effective in 1968. The Firearm Owner's Identification card program (FOID) is administered by the Firearms Services Bureau (Bureau) within the Illinois State Police (ISP). Although an individual has a valid FOID card, an additional background check will be conducted on the individual at the time a firearm is purchased from a federally licensed firearm dealer, gun show promoter, or gun show vendor. The background check conducted at the time of purchase is also conducted by the Bureau, which administers the Firearm Transfer Inquiry Program. According to ISP, as of January 2011, there were 1,316,508 individuals with active FOID cards in Illinois.

Applicants apply for a FOID card by completing the Application for Firearm Owner's Identification Card, as seen in Appendix D. FOID card applicants must be 21 years of age unless he or she has the written consent of his or her parent or legal guardian. The Act also states that

the parent or legal guardian must not be prohibited from having a FOID card. A completed application and a \$10 fee must be submitted regardless of whether it is a new or renewal application. Any active duty member of the Armed Forces, Illinois National Guard, or Reserve Forces is exempt from the application fee. FOID cards are valid for a period of 10 years. Prior to June 1, 2008, FOID cards were valid for a period of 5 years.

The Firearm Owners Identification Card Act requires the Illinois State Police to approve or deny all applications within **30 days** from the date they are received. Eligibility is determined by employees of the Illinois State Police. Once eligibility is determined, cards are made and are mailed to the applicant. If the applicant is denied, a letter detailing the reason(s) the application was denied is sent to the applicant.

Pursuant to the Firearm Owners Identification Card Act (430 ILCS 65/8), the State Police have the authority to deny an application or to revoke and seize a previously issued FOID card only if the ISP finds that the applicant or the current card holder is excluded from eligibility for any of the following:

- A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;
- A person under 21 years of age who does not have the written consent of his 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 Firearm Owner's Identification card;
- A person convicted of a felony under the laws of this or any other jurisdiction;
- A person addicted to narcotics;
- A person who has been a patient of a mental institution within the past 5 years or has been adjudicated as a mental defective;
- A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community; For the purposes of this section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior;
- A person who is intellectually disabled;
- A person who intentionally makes a false statement on the Firearm Owner's Identification card application;
- An alien who is unlawfully present in the United States under the laws of the United States; (i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:
 - (1) admitted to the United States for lawful hunting or sporting purposes;
 - (2) an official representative of a foreign government who is:

- (a) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or
 - (b) en route to or from another country to which that alien is accredited;
 - (3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;
 - (4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or
 - (5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);
- A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;
 - A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;
 - A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998;
 - A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;
 - A minor 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;
 - An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony; or
 - The Department shall also deny or shall revoke the FOID card of an individual that is the subject to an existing order of protection.

Exhibit 1-1 is a summary of some federal and State firearm prohibitors. The information within the exhibit was not documented within any ISP policy or procedure manual; therefore, we prepared the exhibit from State and federal laws and it was approved by ISP. This information should be readily available to ISP eligibility staff when determining whether an applicant is eligible for a FOID card.

According to the Firearm Owners Identification Card Act, if ISP denies or seizes an application or fails to act on an application within 30 days, the aggrieved party may appeal to the Director of the State Police for a hearing. If the denial or seizure is based on certain crimes such as a forcible felony, stalking, domestic battery, violations of the Illinois Controlled Substances Act, and others, the aggrieved party may petition the circuit court in the county of his or her residence.

Exhibit 1-1 SUMMARY OF GENERAL FIREARM POSSESSION PROHIBITORS ¹		
General Categories	State Laws	Federal Laws
• Felons	✓	✓
• Fugitives from justice	²	✓
• Addicts to a controlled substance or narcotic	✓	✓
• Persons that are intellectually disabled and/or adjudicated as mentally “defective” or patients that are admitted to a mental institution <u>involuntarily</u>	✓	✓
• Patients <u>voluntarily</u> admitted to a mental institution within the last five years	✓	NO
• Illegal aliens/immigrants and non-U.S. citizens	✓	✓
• Persons dishonorably discharged from the Armed Forces	²	✓
• Persons subject to a qualifying order of protection	✓	✓
• Persons convicted of a misdemeanor of domestic violence (federal); convicted of domestic battery or similar offense (State)	✓	✓
• Persons that intentionally make false statements on their FOID application	✓	NO

Notes:

¹ This summary of firearm prohibitors is not all inclusive.

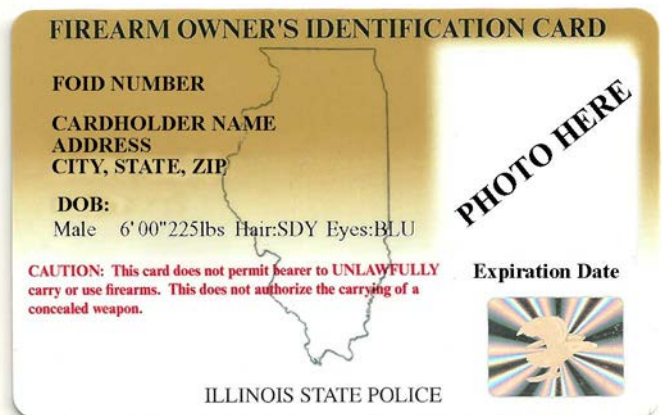
² Although not specifically mentioned in Illinois law, ISP indicated these are federal prohibitors, and therefore, would be used to deny or revoke a FOID card in Illinois.

Source: OAG Summary based on applicable State and Federal Laws.

The State Police are required by 430 ILCS 65/11 to submit a report to the General Assembly on March 1 of each year listing all final decisions by a court of this State, upholding, reversing, or reversing in part any administrative decision made by the Department of State Police.

The FOID card issued by the Illinois State Police is required to contain the applicant’s name, residence, date of birth, sex, physical description, recent photograph, and signature. The card is also to have the expiration date boldly and conspicuously displayed on the face of the card.

The following statement must be printed on the card: “CAUTION – This card does not permit bearer to UNLAWFULLY carry or use firearms.”



In the years 2008, 2009, and 2010, the State Police received 903,139 FOID applications. According to data provided by ISP, 879,906 of the 903,139 were approved, or 97 percent. Exhibit 1-2 shows the number of applications received and the number approved during 2008, 2009, and 2010.

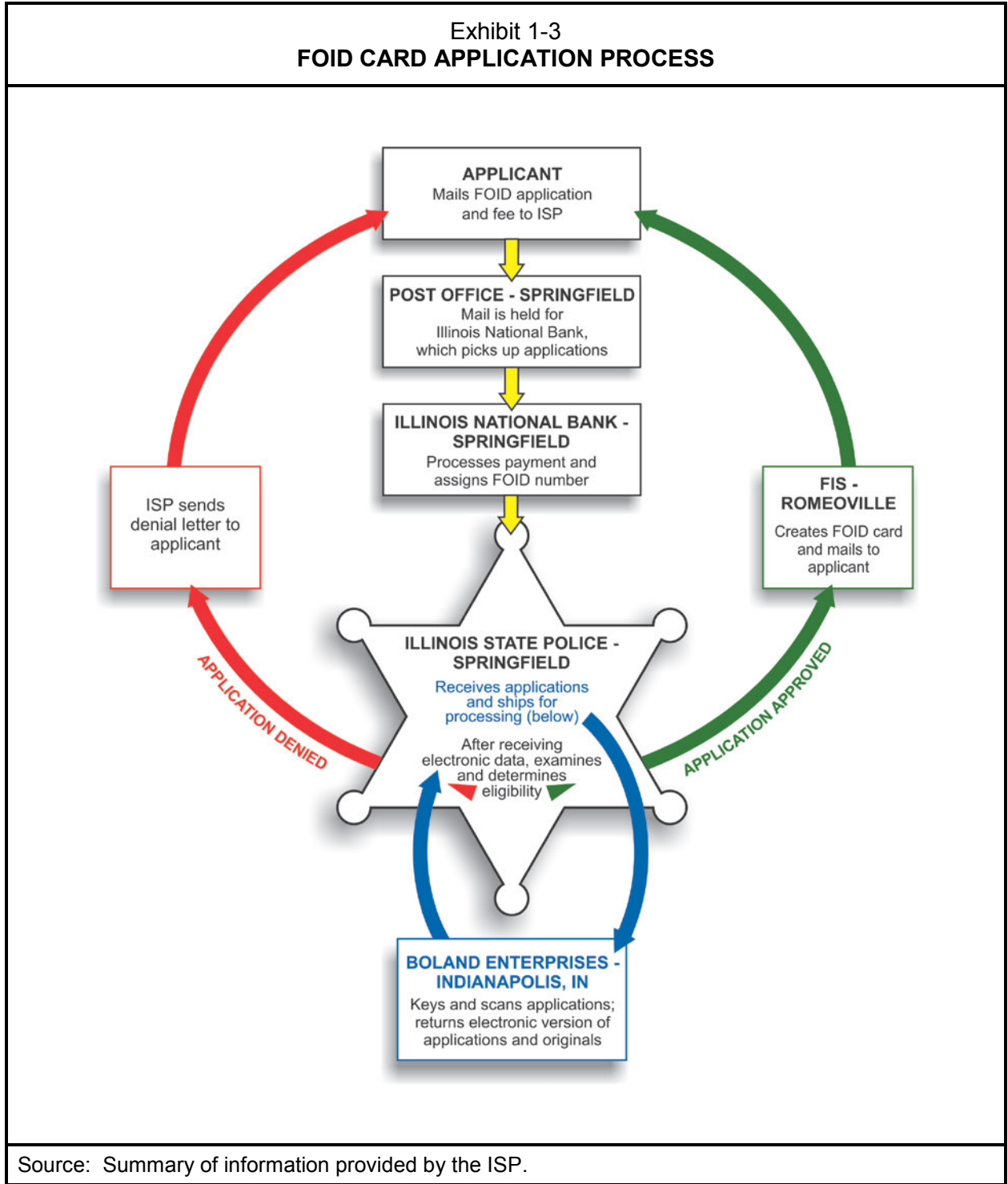
FOID Card Process

Although the determination of eligibility is conducted by ISP employees, several steps of the FOID card process are performed by vendors. As a result, we conducted site visits at ISP as well as at Illinois National Bank (INB), Boland Enterprises, and Fidelity National Information Services, Inc. (FIS). Exhibit 1-3 illustrates the FOID card application process.

Exhibit 1-2 FOID CARD APPLICATIONS RECEIVED AND APPROVED		
Calendar Year	Applications Received	Applications Approved
2008	285,707	277,727
2009	327,442	319,612
2010	289,990	282,567
Totals	903,139	879,906
Source: ISP data summarized by the OAG.		

Twice each work day, FOID applications are picked up at the post office by Illinois National Bank. INB processes the application fee and assigns the FOID number. As a result, each time an individual gets a new FOID card, the FOID number is different. During the process, INB stamps the FOID number on the top of applications that contain all necessary information. If an application does not contain all necessary information, it is sent back to the Firearms Services Bureau. The Bureau either sends the application back to the applicant or finds the answer and enters it on the application (e.g., zip code, city). INB officials indicated that INB never fills in any missing information. Once the completed applications are stamped with a FOID card number by INB, they are sent back to ISP where they are picked up the following morning by Boland Enterprises.

Each work day, Boland Enterprises in Indianapolis, Indiana, drops off scanned applications and picks up new applications at ISP in Springfield. The new applications are taken to Boland where they are scanned and keyed. The process begins with all applications being scanned using a high resolution scanner. Staff at Boland view the scanned images and key (type) the information into a database. This keying process is completed twice for each application. If the information is not typed exactly the same by both individuals, the system will not allow the record to be saved until the information is visually verified and corrected. Once the scanning and keying is completed, the hard copy applications are sent back to the ISP the following day. At the end of the day, the data is encrypted and is sent to ISP.



The Firearms Services Bureau performs background checks on applicants to determine whether the individual has any prohibiting factors which would disallow the FOID application. These searches are used to obtain any felony conviction or patient mental health hospitalization information which would disqualify a person from obtaining a FOID card or to revoke an applicant's FOID card. According to ISP officials, the file from Boland is run against

information from Illinois Department of Corrections (IDOC), Department of Human Services/FOID, Criminal History Record Information (CHRI), Computerized Hot Files (CHF), National Crime Information Center (NCIC), National Instant Criminal Background Check System Index (NICS), and the Interstate Identification Index (III). Any matches are called “hits” and are placed in the pending report for that day. The matching process used by ISP includes a “Soundex” match. Due to the use of this matching process, individuals with names that are not exact are matched as potential hits. As a result, ISP officials noted that about 46 percent of the applicants had a hit that had to be worked manually by eligibility staff. If a prohibitor is found, a letter is sent to the applicant describing why the application was denied.

Once the applicant clears the background check, the applicant’s identity is confirmed by comparing information provided on the application with information from the Illinois Secretary of State. ISP then sends an electronic file to FIS (formerly Metavante Corporation). FIS produces the FOID cards and mails the cards to the applicants. The FIS facility is located in Romeoville, IL. The facility has an advanced security system which includes card-swipe access, a posted security guard in the lobby, and requires all visitors to obtain clearance before entering the facility. In addition to making FOID cards, FIS makes cards for Visa and MasterCard.

According to FIS officials, the physical appearance of FOID cards is rated to last two years, which is the industry standard. It was noted that it is likely that after a few years, the writing on the FOID cards will wear off and the pictures will fade. Applicants will likely return the cards for replacement. According to FIS, ISP will be charged for another card. FIS noted that in the past, FOID cards often needed replaced when they were five year cards, so moving to a 10 year card likely means many cards will need to be replaced at least once.

The three vendors play an important role in the FOID card program. As seen in Exhibit 1-4, during fiscal years 2009, 2010, and 2011, FIS, Boland Enterprises, and Illinois National Bank were paid almost \$2.4 million.

Exhibit 1-4 FOID CARD PROGRAM VENDOR PAYMENTS				
	FY09	FY10	FY11	Total Payments
FIS	\$536,730	\$558,745	\$560,527	\$1,656,002
Boland Enterprises	\$132,855	\$127,522	\$127,048	\$387,425
INB	\$116,036	\$104,335	\$106,417	\$326,788
Totals	\$785,621	\$790,602	\$793,992	\$2,370,215

Source: Comptroller information summarized by the OAG.

OTHER STATES WITH PROGRAMS SIMILAR TO FOID

Based on our review of other state laws and discussions with ISP, Illinois is unique in requiring a FOID card in addition to the background check that is conducted when a firearm is purchased. Massachusetts is the only other state we could identify that requires permits to **purchase** and **possess** both handguns and long guns like Illinois. There are other states that require a permit to purchase a firearm. Laws vary by state and it is difficult to summarize all the different variations. Therefore, we have summarized two states with laws most comparable to Illinois. Exhibit 1-5 highlights some of the differences between Illinois, Massachusetts, and New Jersey.

Exhibit 1-5 SUMMARY OF OTHER STATES THAT REQUIRE PERMITS TO PURCHASE OR POSSESS FIREARMS			
	Illinois	Massachusetts	New Jersey
Overview	License required to <u>purchase</u> and <u>possess</u> all firearms	Permit required to <u>purchase</u> and <u>possess</u> all firearms	Permit required to <u>purchase</u> handguns. ID card required to <u>purchase</u> long guns
Licensing Authority	State Police	Local Police Department	Local Police Department (or State Police if no full-time local police department)
Validity Duration	Licenses are valid for 10 years from the date of issue	All Permits are valid for six years (no more than six, no less than five, depending on expiration date)	Permits are valid for 90 days and may be extended for an additional 90 days. ID cards are valid as long as the holder remains eligible
Safety Training/Exam	N/A	Requires safety training for all applicants	N/A
Permit/License Fee	\$10	\$100	\$2 (handgun permit); \$5 (long gun ID card); \$50-60 (fingerprints)
Fingerprint Requirement	N/A	Fingerprints required to be submitted to State Police	Fingerprints required to be submitted with first completed application
Additional Differences	N/A	Requires any previous permit number, phone number, employer information, and two references	Requires previous ID card number, phone number, employer information, and two references
Source: Other state laws summarized by the OAG.			

Although these two states are similar to Illinois in that they require residents to obtain permits prior to the purchase of a firearm, there are also several differences. For example, Massachusetts and New Jersey require applicants to submit fingerprints, while Illinois does not. The permits are also valid for varying time periods depending on the state. Illinois' FOID card is good for 10 years, while Massachusetts' firearm identification card is good for 6 years. In New Jersey, a long gun identification card is valid until the holder becomes subject to any prohibitor set forth by law. However, a permit to purchase a handgun in New Jersey is only valid for 90 days, which can be renewed for a total of 180 consecutive days.

Massachusetts and New Jersey request the applicant's phone number, employer, previous permit or firearm identification number, and two references. Both Massachusetts and New Jersey ask applicants whether they have ever had any firearm license revoked or denied by any state. Illinois does not ask this question. Illinois does not require the applicant's phone number, previous FOID card number, employer information, or any references.

SCOPE AND METHODOLOGY

This management audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on the audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was also conducted in accordance with audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310.

The audit's objectives are contained in House Resolution Number 89 (see Appendix A). The Resolution directs the Office of the Auditor General to conduct a management audit of the Department of State Police's administration of the Firearm Owners Identification Card Act. The Resolution contained five determinations.

In conducting this audit, we reviewed applicable State statutes and administrative rules. In addition, we reviewed applicable federal regulations and requirements. Any instances of non-compliance are included in this report. Additionally, we reviewed agreements related to the FOID card process. The first agreement was between the State Police and the Secretary of State for retrieving computer stored information. The second was a Memorandum of Understanding between the State Police, the Illinois Department of Human Services, and the Federal Bureau of Investigation regarding the provision of data and access to the National Instant Criminal Background Check System.

We met with individuals from both the Illinois Department of Human Services and the Illinois State Police. We reviewed the process used by DHS to identify individuals with FOID cards that have mental health admissions. Additionally, we met with DHS officials to gain an understanding of the mental health reporting by hospitals and nursing homes. We reviewed the FOID process at the State Police and conducted a walk-through of the eligibility determination process. We reviewed the reporting by hospitals and nursing homes for reasonableness by comparing those that were reporting mental health records against a listing of hospitals and nursing homes with psychiatric beds. However, we did not test at individual hospitals or nursing

homes to see whether they were reporting all the individuals that they should be reporting. A detailed description of the sampling and analytical methodologies is included in Appendix B.

ISP was not timely in submitting information requested to complete this audit. There were time delays in answering questions asked in relation to this audit. For example, on October 26, 2011, auditors requested copies of ISP's policies regarding overtime. The policies were not received until January 23, 2012, almost three months later. In addition, some information was never provided in relation to items requested for this audit. ISP did not provide complete supporting selection documentation related to the procurement of vendors used for the FOID card process. This documentation was initially requested on June 23, 2011. On January 18, 2012, almost seven months after our initial request, ISP indicated it identified additional electronic files related to the procurement. Since our fieldwork had ended, we did not review the additional procurement files.

During the audit, we visited the three vendors used by the State Police for the FOID card process. These include Boland Enterprises, Illinois National Bank, and Fidelity National Information Services, Inc. We reviewed the remittance process performed by INB, the scanning and keying performed by Boland, and the physical card making process at FIS.

We reviewed risk and internal controls at ISP and DHS related to the FOID card process related to the audit objectives. The audit identified weaknesses in internal controls, which are included as findings in this report.

REPORT ORGANIZATION

The remainder of this report is organized into the following chapters:

- Chapter Two – Administration of the FOID Card Program; and
- Chapter Three – FOID Card Statistics and Timeliness.

Chapter Two

ADMINISTRATION OF THE FOID CARD PROGRAM

CHAPTER CONCLUSIONS

The effectiveness of the Illinois Firearm Owner's Identification (FOID) card program operated by the Illinois State Police (ISP) is limited in promoting and protecting the safety of the public. There are significant deficiencies in the reporting of individuals with potentially disqualifying mental health conditions to the Illinois State Police that seriously undermine the effectiveness of the FOID program. In addition, because many of these disqualifying conditions are also required to be reported to the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS), which is used by other states when individuals purchase firearms, the safety of the general public as a whole is at risk.

We reviewed all mental health reports ISP reported receiving from Illinois circuit court clerks during 2010 and determined that **only 3 of the 102 circuit court clerks (3%) submitted mental health court orders to ISP as required by the Firearm Owners Identification Card Act (Act)**. Consequently, in most counties, if the court finds individuals to be a "mental defective" or "intellectually disabled" (terms used by the Act), ISP is not receiving the information needed from the circuit court clerks to revoke or deny FOID cards for individuals from those counties. **Unless reported by another source (such as a State-operated mental health facility, hospital, etc.), individuals from those counties could receive or continue to hold a valid FOID card and could use it to purchase firearms and ammunition.** Due to the lack of reporting by circuit court clerks in Illinois, ISP could not report all individuals adjudicated as a "mental defective" or "intellectually disabled" to the FBI's NICS, as required by the Act.

Furthermore, the information submitted by the three circuit court clerks to ISP was missing critical information needed for the FOID card eligibility determination process. Fifty-six of the 121 (46%) orders received from circuit court clerks during 2010 did not contain information determined by ISP to be necessary, including date of birth, gender, or race. We found that 27 of the 121 (22%) orders from the circuit court clerks were not reported to NICS. Of those 27, 18 of the orders did not contain the necessary information needed to report to NICS.

There are also issues related to the reporting of mental health data by the Department of Human Services (DHS) to the State Police. Mental health admissions data received by the DHS from private hospitals and nursing homes does not make the distinction between voluntary and involuntary admission. Since State law considers both voluntary and involuntary admissions as firearm prohibitors, the lack of distinguishing between type of admission does not impact ISP's FOID card eligibility determination process. However, under federal law, only individuals **adjudicated** as a "mental defective" are considered to have a firearm prohibitor and can be reported to NICS. Since there is no distinction between voluntary and involuntary admissions

within the DHS data, **ISP could not report any individuals with disqualifying mental health admissions from private hospitals or nursing homes to the FBI's NICS database.**

Hospitals and nursing homes did not report mental health admissions to DHS within seven days from admission as required by 740 ILCS 110/12(b). During calendar year 2010, only 13 of 105 private hospitals and nursing homes reported admissions to DHS within an average of 7 days.

Although the Illinois State Police were required by Illinois law to report mental health prohibitors to NICS effective June 1, 2008, the first mental health events reported to NICS by ISP were in December 2010. In December 2010, ISP reported 5,154 events. The average time it took ISP to report these events from the time the information was entered by DHS was 469 days. ISP has been reporting regularly since April 2011. According to information provided by the ISP, since April 2011, the average days to report events are 56.

The data submitted to NICS by ISP, with some exceptions, contains the following: Patient ID; Event Date; Last Name; First Name; Gender; Date of Birth; and Social Security Number. The data did not include the physical description as required by the Act.

Our review of the information submitted by ISP to NICS identified issues with the accuracy of the information submitted. Our review of the 6,932 mental health events reported to NICS by ISP as of September 26, 2011, determined that the 6,932 events were for 3,729 individuals. We compared the entries and determined that individuals who were entered into the system more than once had incorrect information. We identified 63 NICS entries from Illinois with incorrectly spelled names, 53 with incorrect dates of birth, and 52 with incorrect social security numbers.

We found that ISP staff was reviewing the potential firearm prohibitors that were identified by the various database matches conducted. We randomly selected 68 FOID card applications received during 2010 and reviewed the steps taken by ISP to determine eligibility. All of the applicants that were initially flagged by the FOID system for possible prohibitors were worked and appropriately cleared by FOID staff; and therefore, were found not to have a FOID prohibitor. We concluded that ISP's management controls over the eligibility process could be strengthened by updating its FOID policies, procedures, and administrative code, as well as providing additional training to staff that conducts the eligibility reviews.

During our review of the FOID card process, we observed thousands of FOID cards were not being delivered to the applicants. State Police officials noted FOID cards are often returned by the post office as undeliverable. We estimated as of September 14, 2011, there were more than 6,200 returned FOID cards at ISP that were not being worked.

ISP did not have enough Customer Service Representatives to handle the volume of calls that are received by the Firearms Services Bureau related to the FOID card program. According to call logs provided by ISP, during the last quarter of 2010, 25,131 of 29,420 calls (85%) were not answered by ISP.

The Firearms Services Bureau lacks effective controls to ensure timely processing of FOID card applications. We found that the November 15, 2011, Jeopardy Report (which

identifies pending applications that are older than 30 days) contained 2,284 applications of which 2,043 were from October 11, 12, or 13. It appears that these were never processed to be manually worked by eligibility staff.

The Illinois State Police could not produce complete procurement documentation for the contracts related to the FOID card process. Some information was provided, which included bid proposals for the remittance, keying, and scanning. We could not find any decision documents such as evaluation or scoring sheets within the information provided by ISP.

OVERALL EFFECTIVENESS OF THE FOID CARD PROGRAM

Based on our review of the FOID card program, we concluded that the effectiveness of the program is limited in promoting and protecting the safety of the public. During our audit, numerous control issues were identified. Additionally, due to a lack of information on individuals with mental health prohibitors, ISP could not report all individuals with mental health prohibitors to the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS) as required. Further, the FOID program consists of a manual eligibility review performed with limited information conducted by ISP staff who have limited guidance and little or no formal training.

Exhibit 2-1 lists issues identified by this audit that limited the effectiveness of the program. Each of the issues is discussed in greater detail later in this report.

Exhibit 2-1
ISSUES THAT LIMIT THE EFFECTIVENESS OF FIREARM ELIGIBILITY DETERMINATIONS

- ISP and DHS did not receive enough information from private hospitals and nursing homes for people with mental health admissions in order to report them to the FBI's National Instant Criminal Background Check System (NICS). Consequently, individuals with involuntary mental health admissions at a private hospital or nursing home in Illinois were not reported to NICS and therefore, could purchase a firearm in another state.
- 97% of circuit court clerks did not report any individuals with mental health adjudications to ISP during 2010. As a result, unless individuals from these counties were reported to ISP by another entity, such as a State-operated mental health facility, these individuals' FOID cards were not denied and the individuals could purchase firearms.
- In 2010, of the 289,990 applications received, 83,789 FOID cards were not approved and 2,249 FOID cards were not denied within 30 days as required by State law.
- ISP did not have written policies and procedures for the FOID card eligibility process and staff received little or no formal training on the process used to determine eligibility.
- ISP did not attempt to resend FOID cards returned by the post office to the forwarding address provided by the post office. This resulted in more than 6,200 FOID cards sitting at ISP that were not delivered to the applicant.
- ISP did not have enough customer service representatives to answer incoming calls related to the FOID card program. During the last quarter of 2010, 25,131 of 29,420 calls (85%) were not answered by ISP. Consequently, when an applicant has a question or did not receive their FOID card, it was difficult to contact the ISP.
- According to ISP, only 30 percent of revoked FOID cards are returned to the ISP as required. Therefore, since a card is valid for 10 years, the individual would appear to have a valid FOID card and would continue to be able to purchase ammunition.

ADMINISTRATION OF THE FOID CARD PROGRAM

We conducted reviews of the FOID eligibility process and identified significant management control problems with ISP's administration of the program that impact program effectiveness. The Firearms Services Bureau is responsible for both the FOID card program and the Firearm Transfer Inquiry Program (FTIP). The FTIP program conducts background checks on prospective firearm purchasers attempting to purchase a firearm from an Illinois firearm dealer. Firearm dealers call into the FTIP hotline and provide the necessary information on the prospective purchaser. In July 2010, the Firearms Services Bureau consisted of 28 individuals.

FOID Guidance

The Firearms Services Bureau did not have up-to-date policies and procedures, up-to-date administrative rules, and did not provide formal training to the Bureau staff related to the process for determining FOID card eligibility. We requested policies and procedures related to the FOID card program. ISP provided us with the "Crime Studies Procedures Manual" that was out-of-date. Many of the sections date back to 1996-1997. Other sections date back to the 1980's. In

March 2012, after the audit was completed, ISP provided auditors with a copy of the IDV Identification Verification Manual from March 2006. As a result of limited written guidance, we conducted on-site reviews of the process to witness exactly how the process operates.

We observed eligibility staff perform numerous steps and access numerous data sources in order to determine eligibility. None of the steps were documented by any policy or in any manual. Since there was not a current policy and procedures manual, it was difficult to determine what was and was not relevant within the old manual that was provided. Because there were no up-to-date policies and procedures delineating the FOID card determination process, our ability to determine whether ISP was performing all required eligibility verifications was limited. The manual referred to areas that no longer existed at ISP, such as the “Lamination Unit”, which was responsible for reviewing cards prior to lamination. There was also a policy relating to the “FOID Card Procedures” from 1997 that did not discuss the current process that includes the Illinois National Bank, Boland Enterprises, and FIS. The manual also required the verification of the \$5 remittance, which is now \$10.

We also requested information related to the training that is provided to Firearms Services Bureau staff. An ISP official indicated that “Staff receive informal training from their supervisors, other supervisors, and group meetings. The only formal training I believe anyone has received is the NICS training, which I believe occurred 3 times in the last 5-6 years.” On December 1, 2011, auditors requested specific information on the training given to each employee; however, no specific information was provided by ISP other than for NICS training conducted in April 2008 and May 2011.

The Administrative Code adopted by the State Police related to the Firearm Owners Identification Card Act is 20 Ill. Adm. Code 1230. The Code has not been amended since 2003 and is out-of-date with the current statute. The Code has not been updated to reflect the changes to the duration and renewal of the FOID card. The Code states that the card “shall expire five years from the date of issuance”, even though Public Act 95-581, effective on June 1, 2008 changed the duration of the FOID card from five years to ten years. Additionally, 20 Ill. Adm. Code 1230.30 notes that the Department shall “at least 30 days prior to the expiration of a Firearm Owner’s Identification Card, forward to the last known address of each person whose Firearm Owner’s Identification Card is to expire a notification of the expiration and an application which may be used to apply for renewal.” The Act was amended effective April 13, 2000 when the 30-day notice was changed to a 60-day notice.

In addition, 20 Ill. Adm. Code 1230.20 notes that applications are to be mailed to the Firearms Services Bureau, P.O. Box 3677, Springfield, Illinois 62708-3677; the current application notes that applications are to be mailed to Illinois State Police – FOID, Post Office Box 19233, Springfield, IL 62794-9233.

GUIDANCE OVER THE FOID CARD PROGRAM	
RECOMMENDATION NUMBER 1	<p><i>The Department of State Police should:</i></p> <ul style="list-style-type: none"> • <i>update its FOID Card Program Policy and Procedures Manual;</i> • <i>provide and document formal training to its Firearms Services Bureau staff; and</i> • <i>update its administrative rules relating to the Firearm Owners Identification Card Act.</i>
DEPARTMENT OF STATE POLICE RESPONSE	<p>We concur. The Firearms Services Bureau has already identified ways to address this recommendation. The Department has drafted administrative rule changes for the Legal Office’s review and submission.</p>

Requested Eligibility Information

The State Police requests several pieces of information from FOID card applicants, which are used to determine whether the applicant is eligible for a FOID card. This information includes:

- Name;
- Address;
- Date of Birth;
- Driver’s License Number; and
- Several other identifiers such as sex, race, height, weight, and eye and hair color.

The requested information is mainly used to verify the identity of the individual so an eligibility determination can be made. Documentation provided by ISP indicates that information provided by the applicant is compared to seven separate criminal history databases. The comparisons attempt to match the applicant with individuals that have firearm prohibitors, which would be used by ISP to deny FOID card applications. The following is a list of the seven databases:

- **IDOC** (Illinois Department of Corrections) – contains information on individuals who have been released or will be released from a correctional facility;
- **CHRI** (Criminal History Record Information) – managed by the Illinois State Police and contains arrest, charge, disposition, and sentencing information;
- **CHF** (Computerized Hot Files) – maintained by the Illinois State Police and contains information on wanted persons, dangerous persons, gang members, and orders of protection;

- **NICS/NCIC/III** – FBI administered databases of federal prohibitors for firearm purchases including National Instant Criminal Background Check System Index (NICS), National Crime Information Center (NCIC), and Interstate Identification Index (III); and
- **DHS-FOID** – Department of Human Services database of FOID Mental Health events.

Information supplied by the applicant on the FOID card application is matched against these seven databases. Part of the process entails the use of a “Soundex” match. The Soundex match looks for potential matches on applicant name, even if the names in the data systems do not exactly match what was provided on the FOID application. For example, a match may occur if there is a slight spelling difference between the name on the application and the name in one of the databases. ISP officials noted that approximately 46 percent of all applications have some type of hit or match that has to be manually reviewed to determine eligibility.

If there are no prohibitors identified, the application is automatically approved pending identification verification. This involves manually matching the information provided by the applicant to information from the Secretary of State. Once the applicant’s identity is confirmed, a request to have the card made is sent to the vendor.

When there is a match or multiple matches, ISP staff manually review the information to determine whether the prohibiting information is for that actual applicant. Additionally, if the match is due to criminal information, the information is manually reviewed to determine whether the offense is a prohibiting offense. For example, a misdemeanor or DUI would be reported in the criminal history, but is not a prohibitor for obtaining a FOID card.

This match review process is time consuming and involves varying degrees of judgment by the FOID employee. It is further complicated when there is not a common identifier that can be used to match against the various data sources. Applicants 18 years or older are required to provide either their driver’s license number or their Illinois State Identification Number. The FOID card application during the audit period (see Appendix D - page 91) lists social security number as an optional piece of information an applicant can provide.

In some instances, matches identified are based on like names, aliases, individuals with the same birth date but different names, etc. In these instances it is difficult to determine whether the match is actually the same individual. If an applicant provides a social security number, the eligibility staff can use it to compare it against the social security number associated with the various matches being reviewed, thereby expediting the review process. Furthermore, a social security number would be a helpful matching tool in instances when a person’s name changes (such as if a prohibiting action occurred under a maiden name or an alias).

During our review of the process, we observed eligibility staff manually reviewing hits. In many instances, the Soundex hits were for individuals with different names, birthdays, social security numbers, etc. The eligibility worker pulled up a copy of the scanned application and compared the photo to the picture in the Secretary of State database and reviewed the various databases to determine whether the applicant had any actual prohibitors. For example, in one

instance, the eligibility staff's verification review determination was based on the picture and the height and weight that were listed on the applicant's driver's license with that provided on the FOID application. Driver's license pictures can be several years old and appearances (such as hair color, hair style, facial hair) can change.

The State Police noted that "The FOID Act does not require the applicant to submit their social security number on their FOID Application." ISP noted that many ISP and contractual employees have access to the FOID application, which includes identifier information. Consequently, ISP noted it was considering changes to the application where only the last four digits of the social security number would be obtained. ISP noted that the proposed change to the application was being reviewed by ISP's Legal Office. In March 2012, ISP began using a new FOID application (see Appendix D - page 93) asks applicants to provide only the last four digits of their social security number.

Eligibility Process Review

House Resolution Number 89 asked whether applicants provided the necessary information to process the FOID application and whether eligibility should have been approved. We concluded that ISP's management controls over the eligibility process could be strengthened by updating its FOID policies, procedures, and Administrative Code, as well as providing additional training to staff that conducts the eligibility reviews. We randomly selected 68 FOID applications that were received during 2010 and reviewed the steps taken by ISP to determine eligibility. Our sample included 38 applications in which eligibility was automatically approved by the FOID system as well as 30 applications in which the FOID system identified a possible prohibitor that needed further review by ISP. The 30 applications with potential prohibitors included 16 applications that were reviewed due to a criminal history match and 14 applications that were reviewed because the applicant had a name similar to a person in the system with a criminal history.

Our review consisted of observing a supervisor from the Firearms Services Bureau review all potential firearm prohibitors for each application that had potential prohibitors. We determined the following from our review of the sample of 68 applications:

- One application was still open almost a year after it was received. Although this application contained a criminal history match, the ISP failed to review the potential prohibitor until it was identified by our review. This case had been in process for 348 days;
- **21 percent** (14 of 68) of the applications reviewed were not approved within the required 30 days;
- The average number of days to auto approve the 38 applications was **5 days**; and
- The average number of days to approve the 30 applications with potential criminal histories was **45 days**.

We reviewed the 68 applications received during 2010 and determined that all but one were approved. During our review, we observed FOID staff conduct the eligibility reviews and no firearm prohibitors were identified for any of the applicants sampled. All of the applicants that were initially flagged by the FOID system for possible prohibitors were worked and appropriately cleared by FOID staff, and therefore, were found not to have a FOID prohibitor. These included applicants for non-felonies such as DUI's and applicants that were flagged due to a Soundex match related to prohibitors for other individuals with similar names. The timeliness issue is discussed in greater detail in Chapter 3.

Mental Health Information Reporting

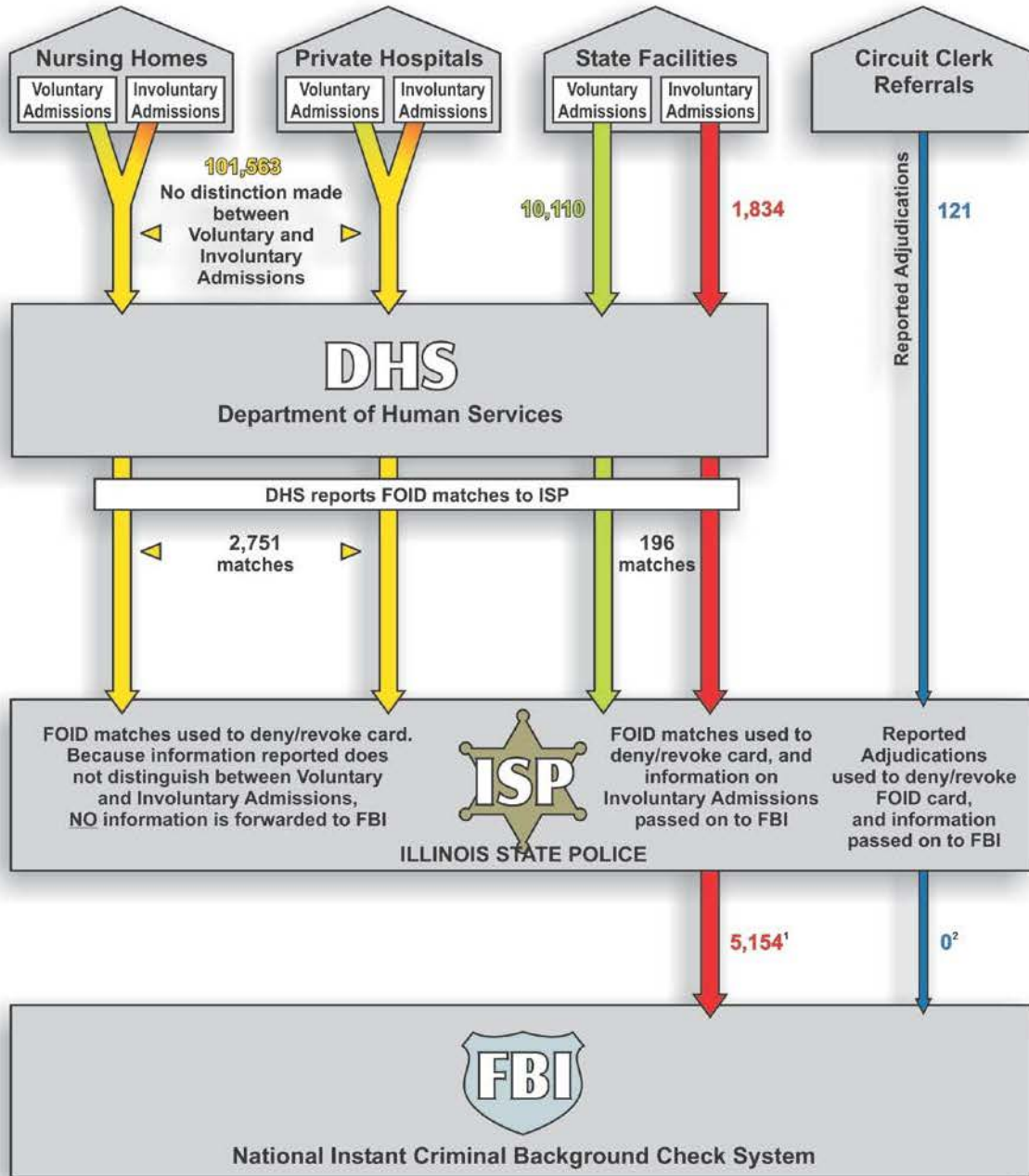
There are significant deficiencies in the reporting of individuals with potentially disqualifying mental health conditions to the Illinois State Police that seriously undermine the effectiveness of the FOID program. In addition, because many of these disqualifying conditions are also required to be reported to the FBI's National Instant Criminal Background Check System (NICS), which is used by other states when individuals purchase firearms, the safety of the general public as a whole is at risk.

The Firearm Owners Identification Card Act (Act) excludes individuals from having a FOID card:

- if they have been a patient in a mental institution within the past five years;
- if the individual has been adjudicated as a “mental defective” (term used by Act);
- if the person has a mental condition that poses a clear and present danger to the applicant, another person or persons, or the community; or
- if the individual is “intellectually disabled” (term used by Act).

The State Police receive information on applicants with potentially disqualifying mental health conditions from various sources, including Illinois circuit court clerks, State-operated mental facilities, and other private hospitals and nursing homes that treat individuals with mental illness. Clinicians are also required to submit mental health information; however, according to ISP, very few are submitting the information. We found significant issues in the reporting of mental health information. Exhibit 2-2 shows the FOID mental health reporting process.

Exhibit 2-2
FOID MENTAL HEALTH REPORTING PROCESS
 Events reported during 2010



Notes:

¹ ISP's first mental health reporting to NICS occurred in December 2010, The 5,154 involuntary admissions reported by ISP to the FBI in 2010 included involuntary admissions reported to DHS by State operated mental health facilities dating back to June 2008.

² None of the circuit court clerk orders received during 2010 were reported to NICS by ISP until 2011.

Source: ISP and DHS information summarized by the OAG.

Reporting by Circuit Court Clerks

The Firearm Owners Identification Card Act (430 ILCS 65/8.1(b)) requires that when an individual is adjudicated as a “mental defective” by a court, the court “shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner’s Identification (FOID) department, and shall forward a copy of the court order to the Department.” According to the Act, the term “mental defective” includes individuals who:

- are incompetent to stand trial;
- are a danger to themselves or others;
- lack the mental capacity to manage their own affairs; or
- have been found not guilty by reason of insanity, mental disease, or defect.

We reviewed all mental health reports ISP reported receiving from Illinois circuit clerks during 2010 and determined that **only 3 of the 102 circuit court clerks (3%) submitted mental health court orders to ISP.**

The Cook, Bureau, and LaSalle Circuit Clerks submitted 121 orders in 2010. Cook County submitted 103, LaSalle submitted 13, and Bureau submitted 5. Exhibit 2-3 shows the number of mental health orders submitted by county compared to the county’s population. **There were no mental health court orders submitted from the other 99 counties.**

Consequently, in most counties, if the court finds individuals to be a “mental defective” or “intellectually disabled”, ISP is not receiving the information needed from the circuit court clerks to revoke or deny FOID cards for individuals from those counties. **Unless reported by another source (such as a State-operated mental health facility, hospital, etc.), individuals from those counties could receive or continue to hold a valid FOID card and could use it to purchase firearms and ammunition.**

We reviewed the 121 mental health adjudication orders submitted by the circuit clerks to ISP during 2010. We found that 40 of the 121 were not reported to ISP other than by the circuit clerk. In other words, if ISP had not received this information from the circuit court clerks, these 40 mental health adjudications would not have been reported to NICS, and these individuals would not have been prohibited from purchasing and possessing firearms.

Due to the lack of reporting by circuit court clerks in Illinois, ISP could not report all individuals adjudicated as a “mental defective” or “intellectually disabled” to the FBI’s NICS, as required by the Firearm Owners Identification Card Act. This lack of reporting not only undermines the effectiveness of Illinois FOID process, but it undermines the effectiveness of the

Exhibit 2-3 MENTAL HEALTH REPORTING BY CIRCUIT COURT CLERKS During 2010		
County	2010 Census Population	MH Orders Reported
Cook	5,194,675	103
LaSalle	113,924	13
Bureau	34,978	5
Totals	5,343,577	121
Source: 2010 Illinois census information and ISP information summarized by the OAG.		

FBI's NICS database which is used by other states in their firearm eligibility determination process. Consequently, the lack of reporting impacts the public safety in any other state where the prohibited person attempts to purchase a firearm or ammunition.

Furthermore, the information submitted by the three circuit court clerks to ISP was missing critical information needed for the FOID card eligibility determination process. Fifty-six of the 121 (46%) orders received from circuit court clerks during 2010 did not contain information determined by ISP to be necessary, including date of birth, gender, or race. We found that 27 of the 121 (22%) orders from the circuit court clerks were not reported to NICS. Of those 27, 18 of the orders received did not contain the necessary information needed to report to NICS. Missing information, such as the date of birth, not only delays the FOID card eligibility matching process, it also removes critical information used by ISP thereby compromising ISP's ability to determine whether the individual applying for a FOID card (or who currently has a FOID card) is the same individual that was judged to be a mental defective.

We contacted four circuit court clerks to determine why they were not reporting mental health adjudications to the State Police. Their responses included:

- Kane County Circuit Clerk officials were aware of the requirement and noted that they had not been ordered by the court per statute to report;
- Union County Circuit Clerk officials did not provide a response prior to the completion of the audit.
- Madison County Circuit Clerk officials noted that the court does not order them to report and that it is not always clear from the orders which orders would need to be reported to State Police. The official suggested that State Police should contact the courts regarding this requirement; and
- Sangamon County Circuit Clerk officials indicated they had not been instructed by the court to report; therefore, no reports have been made to State Police. However, Sangamon County officials noted that because of our inquiry, they are working with the Chief Judge to resolve this issue. They are in the process of identifying the orders that should have been reported. The Sangamon County official stated there were approximately 115 dating back to 2008. Once they are all identified, the Clerk's office will send them to the State Police.

We contacted the LaSalle County Circuit Clerk's office, the Bureau County Circuit Clerk's office, and the Cook County Circuit Clerk's office to determine why they report mental health adjudications to ISP. The LaSalle and Bureau Clerk's offices noted that the judge, through an administrative order in their Circuit, requires the Clerk's offices to report. The Cook County Clerk's office noted that Cook County was complying with the reporting requirement.

We asked the Administrative Office of the Illinois Courts (AOIC) why the circuit court clerks do not report mental health adjudications to ISP as required by 430 ILCS 65/8.1(b).

According to the AOIC, it is likely due to the wording of the statute. The statute states “the **court shall direct** the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department (emphasis added).” The language directs the court to direct the court clerk to report. Therefore, if not directed to do so by the court, the court clerk is not going to report to ISP.

We inquired of ISP what steps they have taken to work with the circuit court clerks to improve the reporting of mental health adjudications. ISP officials noted that two ISP officials spoke at a meeting of circuit court clerks in Effingham in August 2009.

REPORTING BY CIRCUIT COURT CLERKS	
RECOMMENDATION NUMBER 2	<i>The Department of State Police should work with Circuit Courts and Circuit Court Clerks to ensure that the necessary prohibiting mental health information is submitted to ISP, as required by the Firearm Owners Identification Card Act, so it can be used by ISP in the FOID eligibility process, as well as submitted to the FBI's National Instant Criminal Background Check System.</i>
DEPARTMENT OF STATE POLICE RESPONSE	We concur. The Department has been in contact with the Illinois Administrative Office of the Courts for assistance in communicating with the Courts and Clerks. The Department is planning to speak at an upcoming meeting of the Clerks in April 2012. Also, the Department is partnering with the Attorney General's Office in drafting a letter to the Clerks explaining the requirement and how best to communicate with the Department. A legislative change, HB 4456, has also been introduced in the 97th General Assembly to further clarify the Clerks' role in reporting prohibiting mental health information to the FOID program.

Reporting by Public and Private Hospitals and Mental Health Facilities

The Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/12(b)) requires all public or private hospitals and mental health facilities to furnish the Department of Human Services (DHS) with information necessary to determine whether a person is disqualified from receiving or retaining a Firearm Owner's Identification Card (see inset). The information is to be reported within 7 days. During 2010, 101,563 unduplicated mental health admissions were reported to DHS from private hospitals and nursing homes.

Public and private hospitals and mental health facilities are required to report mental health admissions to DHS. Reporting to DHS is accomplished via a web-based system, called the DHS-FOID Reporting System. This system is developed and maintained by DHS.

The DHS-FOID database contains all individuals that have been admitted as mental health patients who have not been discharged, and all that have been discharged within the last five years. These individuals are not eligible to receive a FOID card by State law. Five years after discharge, the patient is removed from the database.

Each night, ISP sends a file of active cardholders and applicants to DHS to be matched against the DHS-FOID database. DHS conducts the match. Any matches are reviewed by DHS and are faxed to ISP the following morning. The match is based on name and date of birth. According to documentation provided by DHS, during 2010, 2,751 matches were identified from private hospitals and nursing homes and 196 matches were identified from State-operated mental health facilities.

These faxes from DHS take priority and are worked immediately by ISP. Eligibility staff at ISP review these faxes and determine whether the match was actually for an individual that

The Mental Health and Developmental Disabilities Confidentiality Act 740 ILCS 110/12(b)

(b) The Department of Human Services . . . and all public or private hospitals and mental health facilities are required . . . to furnish the Department of State Police only such information as may be required for the sole purpose of determining whether an individual who may be or may have been a patient is disqualified because of that status from receiving or retaining a Firearm Owner's Identification Card under subsection (e) or (f) of Section 8 of the Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and (n). All public or private hospitals and mental health facilities shall, in the form and manner required by the Department, provide such information as shall be necessary for the Department to comply with the reporting requirements to the Department of State Police. Such information shall be furnished within 7 days after admission to a public or private hospital or mental health facility or the provision of services to a patient described in clause (2) of this subsection (b). . . . The method used shall be sufficient to provide the necessary information within the prescribed time period, which may include periodically providing lists to the Department of Human Services or any public or private hospital or mental health facility of Firearm Owner's Identification Card applicants on which the Department or hospital shall indicate the identities of those individuals who are to its knowledge disqualified from having a Firearm Owner's Identification Card for reasons described herein. The Department may provide for a centralized source of information for the State on this subject under its jurisdiction.

For purposes of this subsection (b) only, the following terms shall have the meaning prescribed:

- (1) "Hospital" means only that type of institution which is providing full-time residential facilities and treatment.
- (2) "Patient" shall include only: (i) a person who is an in-patient or resident of any public or private hospital or mental health facility or (ii) a person who is an out-patient or provided services by a public or private hospital or mental health facility whose mental condition is of such a nature that it is manifested by violent, suicidal, threatening, or assaultive behavior or reported behavior, for which there is a reasonable belief by a physician, clinical psychologist, or qualified examiner that the condition poses a clear and present or imminent danger to the patient, any other person or the community meaning the patient's condition poses a clear and present danger in accordance with subsection (f) of Section 8 of the Firearm Owners Identification Card Act.

has an active FOID card or application. If so, a letter is generated and mailed to the individual that denies the application or revokes the card. When a card is revoked, the letter states that the card has been revoked and it must be immediately returned using an enclosed self-addressed envelope. According to ISP, only 30 percent of revoked cards are returned.

We reviewed the process between DHS and ISP that identifies individuals admitted to hospitals, nursing homes, and State-operated mental health facilities that also have a FOID card. We sampled 25 matches identified by DHS in 2010 that were sent to ISP for review. We compared the identifying information such as name and birth date. We also reviewed the daily matches to determine how long it took ISP to review the match and to revoke the card if necessary. ISP revoked or denied 23 of the 25 within 3 days and another within 5 days. According to the data provided by ISP, for 15 of the 24 matches that resulted in the revocation of an individual's FOID card, only 4 (27%) of the actual FOID cards were returned to ISP by the cardholder. The remaining nine matches resulted in the denial of the FOID card application.

The remaining match was for a new applicant that received a FOID card even though there was a mental health match identified by DHS. We could not determine why the card was approved. We questioned ISP about it on March 7, 2012, and ISP determined that the card should not have been approved and it was revoked on March 8, 2012.

Problems with Mental Health Reporting

In our review of the reporting of individuals with disqualifying mental health conditions, we identified several problems which negatively impact the effectiveness and efficiency of the FOID card eligibility process, as well as the firearm eligibility determination process.

No Distinction between Involuntary and Voluntary Admissions

According to ISP and DHS officials, **only** the data received from State-operated mental health facilities distinguishes between voluntary and involuntary admissions. In 2010, State-operated mental health facilities reported 10,110 voluntary admissions and 1,834 involuntary admissions. Mental health admissions data received by the DHS from private hospitals and nursing homes does not make the distinction between voluntary and involuntary admission. Since State law considers both voluntary and involuntary admissions as firearm prohibitors, the lack of distinguishing between types of admission does not impact ISP's FOID card eligibility determination process. However, under federal law, only individuals adjudicated as a "mental defective" are considered to have a firearm prohibitor and can be reported to NICS. Since there is no distinction between voluntary and involuntary admissions within the DHS data, **ISP could not report any individuals with disqualifying mental health admissions from private hospitals or nursing homes to the FBI's NICS database.**

We requested from DHS the number of mental health reports it received from hospitals and nursing homes during 2010. DHS provided a list of 104,678 mental reports. Several of the reports were reported more than once to DHS. We removed the duplicates and identified 101,563 admissions. Since the hospitals and non-State operated mental health facilities do not distinguish between voluntary and involuntary admissions, **none of the 101,563 admissions were reported to NICS.** Although these admissions are not reported to NICS, if these

individuals had an Illinois FOID card, it would be revoked; or if they applied for a FOID card, their application would be denied.

This mental health information from private hospitals and nursing homes, whether voluntary or involuntary, would not be available to other states that rely on the NICS system. ISP's reporting to NICS is discussed in greater detail later in this Chapter.

On June 21, 2011, after our audit began, the Director of ISP sent a letter to the Secretary of Human Services noting that "involuntary committal records from private facilities need to be furnished to the ISP Firearms Services Bureau for inclusion in the NICS Denied Persons Database." The letter further noted that the ISP Firearms Services Bureau and the ISP Legal Office remained available to assist.

On February 7, 2012, we met with DHS to discuss why they have not modified their reporting form to require private hospitals and nursing homes to report whether the admission is voluntary or involuntary. DHS officials stated that they would begin working to collect the necessary information from the private hospitals and nursing homes as is necessary for ISP to report to NICS.

Not all Required Entities Reporting

According to DHS, hospitals and nursing homes with psychiatric beds are reporting mental health admissions to DHS; however, DHS did not know whether they are reporting all mental health admissions as required. We asked DHS officials if they had any way of determining whether providers were submitting all required admissions. DHS officials stated that they did not – it would require on-site work at each facility to determine whether all admissions had been reported. DHS officials stated that they run reports quarterly and providers are emailed if they have not submitted any reports. Providers are required to report every seven days even if there are no new admissions to report.

We compared the hospitals and nursing homes that were submitting mental health admissions to DHS against a listing of hospitals and nursing homes with psychiatric beds maintained by the Department of Public Health and found that most entities on Public Health's listing were reporting to DHS.

DHS also requires clinicians to report individuals that they feel are a danger to themselves or others. DHS officials stated that only a small percentage of the total clinicians are reporting this information. According to a feasibility study released in November 2009, only 41 of 130,000 licensed practitioners and clinicians were reporting. DHS reported that as of March 2012 only 80 clinicians were reporting.

Untimely Reporting

Hospitals and nursing homes did not report mental health admissions to DHS within seven days from admission as required by 740 ILCS 110/12(b). During calendar year 2010, very few hospitals and nursing homes reported mental health admissions in seven days as required. Only 13 of 105 private hospitals and nursing homes reported admissions to DHS within an

average of 7 days during 2010. Appendix E shows the average days it took private hospitals and nursing homes to report mental health admissions to DHS during calendar year 2010.

REPORTING BY HOSPITALS, NURSING HOMES, AND MENTAL HEALTH FACILITIES	
RECOMMENDATION NUMBER 3	<i>The Department of State Police and the Department of Human Services should work with hospitals, nursing homes, clinicians and other entities required to report prohibiting mental health information to the DHS-FOID system, to ensure that: all required reports are filed; the information is timely, complete and accurate; and voluntary and involuntary admissions are differentiated. In addition, ISP should review its controls to ensure that all mental health matches sent by DHS are properly worked by eligibility staff.</i>
DEPARTMENT OF STATE POLICE RESPONSE	We concur. Our communication with the Department of Human Services has greatly improved over the last several months. Through a NICS Act Record Improvement Program (NARIP) grant, the Illinois State Police (ISP) is providing the Department of Human Services (DHS) with technical programming consultants to implement improvements in the DHS Clinical FOID System, adding functionality to collect data from state and private institutions and clinicians and to streamline the reporting of that data to the ISP.
DEPARTMENT OF HUMAN SERVICES' RESPONSE	We agree. DHS MIS is adding necessary fields to the DHS-FOID system that will allow the users (hospitals, nursing homes and other entities) to report the voluntary/involuntary designation for patient admissions. Once the necessary fields are added to DHS-FOID system, a notification will be sent to the users explaining the new requirements for reporting the information.

Reporting to NICS by the Illinois State Police

According to the Federal Bureau of Investigation, the National Instant Criminal Background Check System “is a national system that checks available records on persons who may be disqualified from receiving firearms.” The system was developed by the FBI with cooperation from the Bureau of Alcohol, Tobacco, Firearms, and Explosives and local and state law enforcement agencies. The system allows federal firearm licensees to obtain information on whether the transfer of a firearm would be in violation of federal or state law.

In Illinois, the Illinois State Police is the entity designated to conduct the checks to determine whether an individual is disqualified from purchasing a firearm. NICS is one of the data sources used by ISP to determine whether an individual is eligible for a Firearm Owner’s Identification card, as well as eligible to purchase a firearm.

Federal firearm licensees contact either the FBI or a point of contact state to initiate a background check on individuals purchasing firearms. Since Illinois is a point of contact state, the federal firearm licensees are required to contact ISP which then conducts the background check. If there is any match based on the descriptive information, the transaction is delayed

while research is conducted. If no matching records are identified the transaction is approved, which according to the FBI is designed to occur within 30 seconds on most inquiries.

As discussed above, the Illinois State Police did not report all disqualifying mental health admissions to NICS as required by 430 ILCS 65/3.1(e)(2). Effective on June 1, 2008, the Firearm Owners Identification Card Act was amended to require ISP and DHS to enter into a memorandum of understanding (MOU) with the FBI for the purpose of implementing the National Instant Criminal Background Check System in Illinois. ISP is required to act as the Illinois point of contact for NICS reporting. ISP is required to report the name, date of birth, and physical description of any person prohibited from possessing a firearm. Exhibit 2-4 shows the

Exhibit 2-4 MENTAL HEALTH RECORDS SUBMITTED TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM			
State	Records Submitted through Aug. 31, 2011	State	Records Submitted through Aug. 31, 2011
California	276,313	Alabama	243
Texas	166,026	Utah	106
New York	159,411	Maryland	56
Virginia	158,224	Maine	35
Michigan	98,467	Vermont	25
Washington	78,368	New Jersey	16
Florida	40,775	South Carolina	15
Missouri	30,963	Kentucky	8
Colorado	27,002	Wyoming	4
Ohio	26,490	Montana	3
North Carolina	20,775	Mississippi	2
Connecticut	10,891	Nebraska	2
Arizona	7,942	New Hampshire	2
Illinois	6,732	Oklahoma	2
New Mexico	5,759	South Dakota	2
Wisconsin	5,220	Hawaii	1
West Virginia	5,194	Louisiana	1
Georgia	5,102	Massachusetts	1
Indiana	3,080	North Dakota	1
Kansas	3,363	Oregon	1
Minnesota	3,388	Pennsylvania	1
Tennessee	2,408	Alaska	0
Arkansas	1,804	Delaware	0
Iowa	1,660	Idaho	0
Nevada	455	Rhode Island	0

Source: Federal Bureau of Investigation.

number of mental health records reported to NICS by state. The exhibit shows that Illinois has reported far fewer prohibited mental health events than states such as California, Texas, New York, Virginia, Michigan, and Washington.

As discussed earlier in this Chapter, the lack of reporting of mental health adjudications by Illinois circuit court clerks, as well as private hospitals and nursing homes not distinguishing between voluntary and involuntary admissions, are key factors in the low number of mental health records submitted by ISP to the FBI's NICS database. In addition, Illinois only reported individuals with involuntary admissions to State-operated mental health facilities to NICS that were reported to DHS beginning in June 2008. There was no effort made to populate the NICS database with any earlier information.

Timeliness of Information Reported to NICS

Although ISP was required by Illinois law to report mental health prohibitors to NICS effective June 1, 2008, ISP and DHS did not sign the MOU with the FBI until December 15, 2009, and February 20, 2010, respectively. The MOU was signed by the FBI on April 23, 2010. The first mental health events reported to NICS by ISP were in December 2010. In December 2010, ISP reported 5,154 events. The average time it took ISP to report these events from the time the information was entered by DHS was 469 days.

ISP has been reporting regularly since April 2011. Since April 13, 2011, routine reports have been made to NICS. According to information provided by the ISP, since April 2011, the average days to report events are 56.

For the 40 mental health adjudications that were reported to the Firearms Services Bureau only by the circuit court clerks, it took the Bureau an average of 385 days, from the date they were reported by the circuit court clerks, to report them to NICS. Additionally, there were 25 reports submitted to NICS that were reported to ISP by both State-operated facilities and by circuit court clerks. For these 25, it took the Firearms Services Bureau on average 452 days to report the prohibitor received from the circuit court clerks to NICS from the date the original report was made to NICS as a result of the report received from the State-operated facility.

Inaccurate Information Reported to NICS

ISP is required by the Firearm Owners Identification Card Act (Act) to provide NICS the name, date of birth, and physical description of anyone prohibited from possessing a firearm. The MOU requires ISP to submit accurate information that includes: name of the subject; date of birth; and gender. If a complete date of birth is not given, ISP is to provide a unique numeric identifier such as the social security number. ISP can also submit any additional descriptive data.

The data submitted to NICS by ISP, with some exceptions, contains the following: Patient ID; Event Date; Last Name; First Name; Gender; Date of Birth; and Social Security Number. The data did not include the physical description as required by the Act.

Our review of the information submitted by ISP to NICS identified issues with the accuracy of the information submitted. Our review of the 6,932 mental health events reported to

NICS by ISP as of September 26, 2011, determined that the 6,932 events were for 3,729 individuals. Many individuals had more than one event reported.

We also determined that the information reported had numerous errors. We compared the entries and determined that individuals who were entered into the system more than once had incorrect information. In these instances, information for the same individual was inconsistent within NICS. We identified 63 NICS entries from Illinois with incorrectly spelled names, 53 with incorrect dates of birth, and 52 with incorrect social security numbers. Without correct information, it is difficult to determine whether someone matches the information on NICS. The MOU requires ISP to ensure the accuracy of the information and notes that ISP is responsible for updating the records as appropriate.

INFORMATION REPORTED TO NICS BY THE STATE POLICE	
RECOMMENDATION NUMBER 4	<i>The Department of State Police should ensure that information reported to the National Instant Criminal Background Check System is submitted completely, accurately, and timely, and should update it as necessary. The Department should work with DHS to identify individuals with NICS prohibitors prior to June 2008 and should report them to NICS as required.</i>
DEPARTMENT OF STATE POLICE RESPONSE	We concur. The Department of Human Services and Illinois State Police serve as a pass through for the data when entered by hospitals and nursing homes. We do not feel it is appropriate to correct data that does not belong to our agency. However, for the small number of instances when ISP enters information to be submitted to NICS, a quality assurance program will be developed to ensure the information submitted is accurate. The DHS has recently identified an additional 19,000 records for submission to NICS. The Department's technical team is currently running transmission tests on the data.
DEPARTMENT OF HUMAN SERVICES' RESPONSE	We agree. DHS-MIS Clinical Unit has notified the Illinois State Police that the Department has additional records for the National Instant Criminal Background Check System (NICS) dated back to 1980 and going to present. The Illinois State Police is currently reviewing the sampling of records sent to them by DHS and will be contacting DHS for the entire file if the records are acceptable. In addition, DHS MIS is adding necessary fields to the DHS-FOID system that will allow the users (hospitals, nursing homes and other entities) to submit the physical description of patient as required. Once the necessary fields are added to DHS-FOID system, a notification will be sent to the users (hospitals, nursing homes, clinicians and other entities) informing them of the new requirements for reporting the information.

Eligibility Information for Minor Applicants

The FOID card application (see Appendix D) as it relates to minor applicants does not meet the requirements found in the Firearm Owners Identification Card Act (430 ILCS 65/4). The Act requires the applicant to **submit evidence** to the ISP that the applicant is not prohibited from having a FOID card. When a minor, under age 21, applies for a FOID card, the parent or guardian must give written consent. **The Act also states that the parent or legal guardian must not be prohibited from having a FOID card and must file an affidavit stating that he or she is not an individual prohibited from having a FOID card.**

The application requires the applicant, the minor, to provide the information; however it only requires the parent or guardian to provide their name, date of birth, gender, and Illinois driver's license or State ID number. As a result, the parent or guardian who, according to the Act, must be eligible for a FOID card is not providing all required information to have their eligibility reviewed by ISP. The Act requires that to be eligible for a FOID card, the applicant must submit evidence that they are eligible. This consists of affirming by marking "Yes" or "No" on the application for the following questions:

- Have you ever been convicted of a felony?
- In the past 5 years, have you been a patient in any medical facility or part of any medical facility used primarily for the care or treatment of persons for mental illness?
- Are you addicted to narcotics?
- Are you intellectually disabled?
- Are you subject to an existing order of protection which prohibits you from possessing a firearm?
- Within the past 5 years, have you been convicted of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in which a firearm was used or possessed?
- Have you ever been convicted of domestic battery or a substantially similar offense (misdemeanor or felony)?
- Have you ever been adjudicated a delinquent minor for the commission of an offense that if committed by an adult would be a felony?
- Are you an alien who is unlawfully present in the United States?
- Have you ever been adjudicated as a mental defective?

The Act requires that the parent or guardian file an affidavit with ISP stating he or she is not prohibited from having a FOID card. However, according to ISP officials, the current application process does not meet this requirement in the Act. Additionally, since the FOID application for a minor applicant does not require the parent or guardian to answer the questions that are required by all other applicants, the ISP is not determining eligibility for the parent or guardian as required by the Act.

PARENT/GUARDIAN INFORMATION	
RECOMMENDATION NUMBER 5	<p><i>The Department of State Police should ensure that its FOID application process, as it relates to minor applicants, meets the requirements found in the Firearm Owners Identification Card Act (430 ILCS 65/4).</i></p>
<p>DEPARTMENT OF STATE POLICE RESPONSE</p>	<p>We concur. The Department is in the process of revising the FOID application to include an affidavit as required in the Act. The Department, however, does not believe the parent or legal guardian is required by the Act to answer the questions provided for the applicant on the FOID application. The Department is able to determine the parent’s or legal guardian’s firearm eligibility as the Act states without the questions being answered. The Department will take this under consideration as the revisions of the FOID application are finalized.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: 80%;"> <p><i>Auditor Comment #1</i></p> <p><i>ISP requires applicants to answer all questions on the FOID card application so ISP can determine eligibility. Consequently, it seems reasonable that ISP would have the minor’s parent or legal guardian provide the same information that is required from any applicant.</i></p> </div>

Undelivered FOID Cards

During our review of the FOID card process, we observed thousands of FOID cards not being delivered to the applicants. State Police officials noted FOID cards are often returned by the post office as undeliverable. ISP officials also noted that the Firearm Owners Identification Card Act places the responsibility on the card holder to notify the ISP of an address change. Once ISP receives the returned cards, the envelopes are opened and the cards are put into one of two drawers. We estimated as of September 14, 2011, there were more than 6,200 returned FOID cards at ISP that were not being worked.

ISP officials stated that they did not know why the cards were not being forwarded by the postal service to the applicants. Therefore, we discussed this issue with FIS (the vendor that produces the FOID cards for ISP) during our tour of their facility. We determined that FIS uses envelopes that are stamped “Return Service Requested”. According to the postal service, Return Service Requested means that it **will not be forwarded** to the new address. As a result, FOID cards are not forwarded to the correct address by the post office and are returned to ISP. Even though Fidelity National Information Services, Inc. (FIS) received a file from the post office that provided the forwarding addresses, ISP made no attempt to resend the FOID cards based on the file provided by the post office.

According to ISP, if an individual calls about his or her card, the customer service employee checks in the system to see if the card has been returned. If so, the employee retrieves

the card and sends it to the applicant. There is no process in place to resend the cards once they are returned to ISP. ISP noted it did not have the staff to try to determine the correct address; however, if the applicant called inquiring about their card, a correct address would be obtained and the card would be re-mailed.

Customer Service Representatives

ISP did not have enough Customer Service Representatives to handle the volume of calls that are received by the Firearms Services Bureau related to the FOID card program. These Customer Service Representatives receive calls related to the FOID card application process as well as calls for the Firearm Transfer Inquiry Program (FTIP). According to call logs provided by ISP, the majority of the calls received related to the FOID card program are not being answered.

Exhibit 2-5 shows the number of calls received, answered, and abandoned during the last quarter of 2010. **For the three month period, 25,131 of 29,420 (85%) calls were not answered by ISP.** Some individuals may have ended the call after hearing recorded instructions that answered their questions. Other callers may have been automatically disconnected after the 200 minute limit, while others may have hung up due to the extended wait time. Without the ability to answer customer telephone calls, applicants have little chance of providing the necessary information to ISP in instances where cards are not processed timely or instances in which the cards cannot be delivered properly.

Exhibit 2-5 ISP FOID HOTLINE CALLS 4 th Quarter Calendar Year 2010			
	Calls Received	Calls Answered	Calls Abandoned
Oct. 2010	10,257	1,119	9,138
Nov. 2010	9,757	1,299	8,458
Dec. 2010	9,406	1,871	7,535
Totals	29,420	4,289	25,131
Source: Call log provided by ISP.			

CUSTOMER SERVICE	
RECOMMENDATION NUMBER 6	<i>The Department of State Police should:</i> <ul style="list-style-type: none"> • <i>work with its vendor to ensure that FOID cards are forwarded to the correct mailing address; and</i> • <i>ensure that it has enough Customer Service Representatives to answer the questions of FOID card applicants.</i>
DEPARTMENT OF STATE POLICE RESPONSE Continued on following page	We concur. The Department learned that the envelope being used by the card vendor was not allowing the U.S. Post Office to forward the FOID cards when a forwarding address was on file. The Firearms Services Bureau has already worked with the card vendor to change the outer envelope the cards are mailed in so the U.S. Post Office can forward the cards when appropriate. Also, if a FOID card is returned to the FOID office and the Department can determine a forwarding address, the Department will repackage the FOID card and mail the card to the applicant's new address. However, in accordance to the FOID Act 430 ILCS 65/13.2, which states it is the applicant's

	<p>responsibility to notify the Department of an address change, coupled with the current staffing limitations, the FOID office will not make any further attempts to locate the applicant.</p> <p>Due to the current fiscal crisis in the state of Illinois, the Illinois State Police like many other agencies, is limited within its budget and personnel resources. Currently, the FOID office has twenty-one customer service lines, but depending on the shift, only two to four customer service representatives are available to answer the calls. On any given day, up to eighty-five percent of the calls are dropped or not answered by a customer service representative. We agree this high percentage of dropped calls is not acceptable. The FOID office is continuing to look at technological advances that may assist applicants with their FOID questions more timely.</p>
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FOID Cards for Out-Of-State Applicants

The Illinois State Police are issuing FOID cards to applicants who do not live in Illinois even though the Firearm Owners Identification Card Act does not grant them the authority. Additionally, ISP has not established specific administrative rules or approved necessary policies and procedures to determine eligibility for out-of-state applicants.

The only provision found in the Firearm Owners Identification Card Act related to providing a FOID card to an out-of-state applicant is 430 ILCS 65/4(a-10) and relates only to armed security officers at a nuclear energy, storage, weapons, or development facility. This section notes that “Each applicant for a Firearm Owner's Identification Card, who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or state identification card number from his or her state of residence. The Department of State Police may promulgate rules to enforce the provisions of this subsection (a-10).” The administrative code does not contain any sections related to providing FOID cards to out-of-state applicants.

From the FOID data received from the State Police, we identified 391 individuals with out-of-state addresses in the FOID database that had received FOID cards during 2008, 2009, and 2010. We selected 10 and reviewed their applications and files at ISP. It appears from our file review that ISP requires each applicant to provide a copy of their out-of-state driver’s license and a letter from the applicant’s employer stating that it is necessary for the applicant to have a FOID card in order to perform their job duties. The applicants we tested worked for sheriff departments, armored car services, the Department of Corrections, or for a security service. All but one of the 10 provided a copy of their driver’s licenses and all 10 provided a letter from their employers.

A policy obtained from ISP which was not approved and is dated 8/14/02 defines **Employment Requirement Relief** as “Any individual required to have a valid FOID card for their employment in Illinois in the protection, security or safety field and is granted relief by the director. Their FOID card is for employment purposes and does not qualify the individual to

purchase a hand gun in Illinois.” During our review, we did not find evidence the relief was granted by the director. The relief for applicants sampled was granted by the Assistant Bureau Chief or the Master Sergeant of Enforcement from the Firearms Services Bureau. Additionally, we could not identify any specific policy or rule on how eligibility was determined in these instances by ISP.

Without clear guidance related to this issue, it is unclear whether eligibility is being determined appropriately or whether the issuance of a FOID card to an out-of-state applicant is even allowable under State law.

OUT-OF-STATE APPLICANTS	
RECOMMENDATION NUMBER 7	<i>The Department of State Police should determine whether it has the statutory authority to issue FOID cards to out-of-state applicants, and if so, develop clear guidance over the process used to determine eligibility.</i>
DEPARTMENT OF STATE POLICE RESPONSE	We concur. The Department plans to introduce legislation to further clarify the residency requirements of a FOID card applicant and provide for exemptions for individuals who reside outside the state of Illinois, but have employment within the state of Illinois requiring a FOID card.

Controls Over the Eligibility Determination Process

The Firearms Services Bureau lacks effective controls to ensure timely processing of FOID card applications. According to ISP officials, “The Card Processing Component includes several reports that ensure applications that may “fall through the cracks,” get rejected somewhere in the identification verification process, or are older than the mandated 30-day turnaround are identified so that management can take the appropriate action to address them.” One of those components is called the “Jeopardy Report.” This report lists pending applications that are older than 30 days. We reviewed several Jeopardy Reports while we were conducting the audit. Since these reports do not contain historical information, we looked at reports from 2011.

We determined that as of November 15, 2011, there were 2,284 applications that were pending more than 30 days on the Jeopardy Report. Since ISP is required to approve or deny all applications within 30 days from the date they are received, ISP failed to meet this requirement for all 2,284 applications. Therefore, although there is a control in place, the control does not detect the deficiency until the deadline has passed. As a result, these applications fail to meet the requirement found in 430 ILCS 65/5 before the deficiency is detected by ISP management.

During our review of the Jeopardy Reports, we identified instances where hundreds of applications were hitting the report for the same day. For example, the November 15, 2011, Jeopardy Report contained 2,284 applications of which 2,043 were from October 11, 12, or 13. It appears that these were never processed to be manually worked by eligibility staff. As a result, all applications that were not auto approved from those days were not processed within the

required 30 days. ISP should implement additional controls over the processing of FOID card applications that identify applications that are not being worked prior to their inclusion on the Jeopardy Report.

MANAGEMENT CONTROLS OVER ELIGIBILITY PROCESS	
RECOMMENDATION NUMBER 8	<i>Since existing management controls over FOID card processing timeliness do not identify applications that are not approved or denied until after the 30 day requirement, the Department of State Police should establish additional management controls to identify FOID applications that are not being processed timely.</i>
DEPARTMENT OF STATE POLICE RESPONSE	We concur. The Department is currently examining additional ways to monitor turnaround time. The Firearms Services Bureau currently uses a management tool called the “Jeopardy Report.” The “Jeopardy Report” lists FOID applications that have been in the queue for thirty days or more. The “Jeopardy Report” will be changed to hit on applications at the point of twenty-five days old rather than the current setting of thirty days old.

Procurement Information

The Illinois State Police could not produce complete procurement documentation for the contracts related to the FOID card process. Some information was provided, which included bid proposals for the remittance, keying, and scanning. We could not find any decision documents such as evaluations or scoring sheets within the information provided by ISP. The contracts with Illinois National Bank, Boland Enterprises, and FIS began in FY08. The following is a timeline related to our procurement file requests:

- **June 23, 2011 and July 18, 2011** –auditors requested procurement documentation;
- **July 20, 2011** –auditors were given access to boxes of information and some electronic files;
- **August 1, 2011** –auditors notified ISP all procurement documentation was not present and noted that no decision documents such as scoring sheets were provided;
- **August 2, 2011** –ISP officials questioned the need for the procurement documents in order to conduct the audit. Auditors noted that since vendors play a significant role in the FOID card process, the procurement files were part of the necessary documentation in order to conduct the management audit of the FOID card program;
- **October 27, 2011** –auditors made an additional request for scoring sheets to ISP;
- **December 8, 2011** –auditors informed ISP that no decision or scoring documentation had been provided. ISP officials noted that the individual responsible for the

procurement no longer worked at ISP, and that ISP would continue to look for the information; and

- **January 18, 2012** –ISP identified additional electronic files related to the procurement of the “hard card” contract. Given that fieldwork was completed, auditors did not review these electronic files.

Failure to have all evaluation materials, scoring sheets, decision memos, and other documentation related to or prepared in conjunction with a procurement evaluation is a violation of the Illinois Procurement Code (30 ILCS 500/20-155 (b)). The Code specifically states that “The procurement file shall contain the basis on which the award is made, all submitted bids and proposals, all evaluation materials, score sheets and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement file shall contain a written determination, signed by the chief procurement officer or State purchasing officer, setting forth the reasoning for the contract award decision.” Furthermore, the State Records Act (5 ILCS 160) requires that agencies maintain documentation to support management decisions.

PROCUREMENT DOCUMENTATION	
RECOMMENDATION NUMBER 9	<i>The Department of State Police should maintain procurement documentation and ensure that it is available for review as required by the Illinois Procurement Code.</i>
DEPARTMENT OF STATE POLICE RESPONSE	We concur. The contracts in question are five years old. It is unclear to the Department what the length of time is for retaining this information. The Illinois Procurement Code appears to be silent in this regard as well as where in the agency the records should be kept. The move from the Armory building to the Franklin Life building further exacerbated the file location problems identified, as well as the transfer of the Department’s State Purchasing Officer to the Executive Ethics Commission. This was in accordance with 30 ILCS 500/10-10.

Chapter Three

FOID CARD STATISTICS AND TIMELINESS

CHAPTER CONCLUSIONS

The Illinois State Police's Firearms Services Bureau received 903,139 FOID applications and approved 879,906 during 2008, 2009, and 2010. The Bureau denied 20,152 of the 903,139 applications during the three year period.

The Bureau did not approve all FOID cards in the required 30 days during 2008, 2009, and 2010. ISP's timeliness of the FOID card approval process improved since 2008. In 2008, only 40 percent of cards were approved within the required 30 days. The processing times improved to 80 percent in 2009 and decreased to 70 percent in 2010. Over the three year period, 566,616 of 879,906 (64%) applications were approved within 30 days.

Additionally, the Bureau did not deny all FOID card applications in the required 30 days. For applications received during 2008, 2009, and 2010, ISP denied 20,152. In 2008, 67 percent of FOID cards were denied within 30 days. The percentage increased to 78 percent in 2009 and decreased to 67 percent in 2010. Over the three year period, 71 percent of the denied FOID cards were denied within the required 30 days.

During 2008, 2009, and 2010, the ISP recorded 21,212 reasons for revocations of FOID cards for 20,227 cardholders. ISP officials estimated that only 30 percent of revoked FOID cards are returned to ISP. While an individual who retained a revoked FOID card would be unable to purchase a firearm from a licensed firearm dealer (since the ISP matches should identify that the card was revoked), the individual would still be able to present the FOID card and purchase ammunition (since the purchaser is only required to show his FOID card -- no background check is run when ammunition is sold). Furthermore, when a firearm is privately sold, the seller is required only to record the FOID card number of the buyer. Since no background check is done, the seller would have no knowledge that the FOID card the buyer is presenting had been revoked.

The information on the numbers of FOID applications received and denied, and the number of FOID cards revoked are not being reported accurately by the State Police. These numbers were provided by ISP for 2010 and were published in the 2009 State Police Annual Report for 2008 and 2009. We reviewed the information in the FOID database, which was provided by ISP, and determined that the published numbers were not accurate.

The Firearms Services Bureau spent hundreds of thousands of dollars on overtime for its employees to process FOID card applications. According to documentation provided by ISP, from July 1, 2009, through June 30, 2011, the State Police spent \$526,919 on overtime for FOID card processing. Three employees accounted for \$239,156 of the \$526,919 (45%).

The audit resolution asked whether the ISP has denied any applications because the applicant provided false information and, if so, whether the ISP made any referrals for criminal prosecution for providing false information. ISP officials noted that it's difficult to determine whether the information was false or whether it was a mistake. According to ISP, ISP did not refer these cases for prosecution.

FOID CARD PROCESSING STATISTICS

House Resolution Number 89 directed the Office of the Auditor General to include statistics for the FOID card program for the past three years. The Resolution specifically included the following information:

- The total number of applications during the past three years;
- The number of those applications denied and the reason for the denial;
- Whether the State Police is approving or denying all applications within 30 days;
- The total number of FOID cards revoked during the past three years; and
- Whether the State Police, during the past three years, denied any applications for a FOID card because the applicant provided false information. If so, did the State Police make any referrals for criminal prosecution.

Applications Received, Approved, and Denied

During 2008, 2009, and 2010, the Firearms Services Bureau received 903,139 FOID applications, approved 879,906 and denied 20,152 (see Exhibit 3-1). We identified 3,081 applications that were not approved or denied. These included instances where the applicant submitted duplicate applications that were cancelled by ISP and instances where additional information was required from the applicant. In these instances, the application is left pending until the additional information is received.

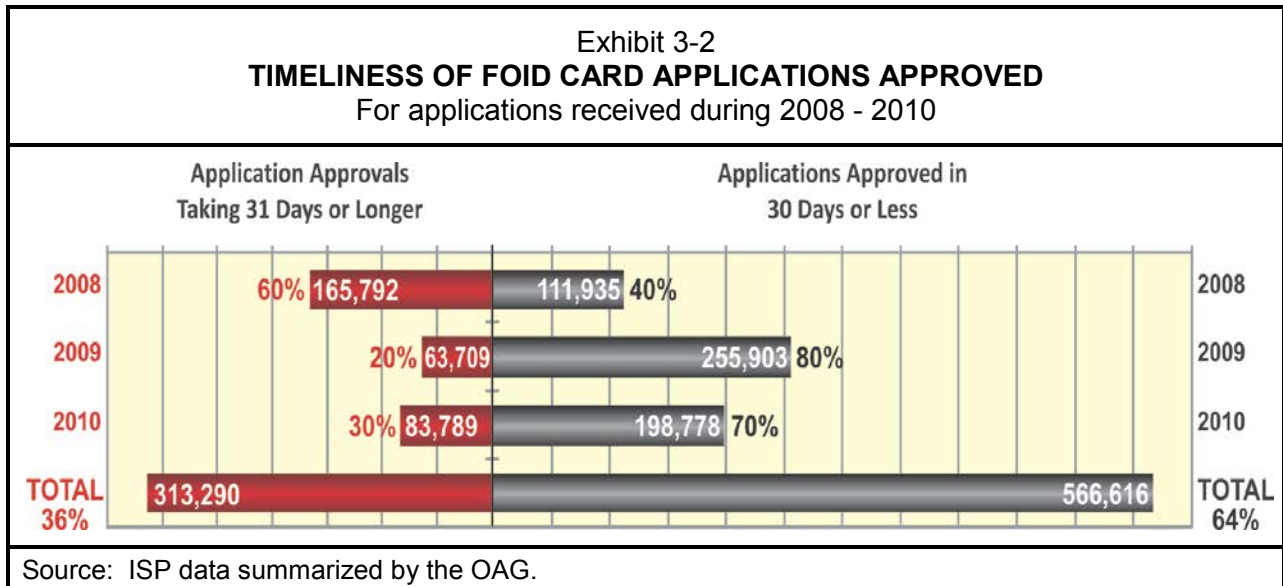
Exhibit 3-1 FOID CARD APPLICATIONS RECEIVED, APPROVED, AND DENIED For applications received during 2008 - 2010				
	Applications Received	Applications Approved	Applications Denied	Other ¹
2008	285,707	277,727	6,426	1,554
2009	327,442	319,612	6,893	937
2010	289,990	282,567	6,833	590
Totals	903,139	879,906	20,152	3,081
Note: ¹ Includes duplicate applications that were cancelled or applications that were pending receipt of additional information. Source: ISP data summarized by the OAG.				

The State Police maintain FOID information in two different databases, which makes analysis difficult. One database contains status codes and one contains Card Processing Component (CPC) history codes. The status codes tell whether there was a modification for the information and gives a status. In many instances the final code indicates that a hit was cleared or that a card was denied for a particular reason. The CPC has more detail of the process and includes information on exactly when a card was made by Fidelity National Information Services, Inc. (FIS).

In order to determine which applications resulted in FOID cards being made, auditors had to use the CPC history to identify the FOID numbers for those that had been approved. The status code database does not show that the application was approved or that a card was made. To determine how many applications were denied, we had to use the status code database. There can be up to nine status codes for each applicant. As a result, it was often difficult to determine what the final determination was for each application using electronic data analysis. We were able to determine how many cards were made from all of the applications. However, without individually looking at each action taken for each application, we could not determine why the other applications, that were not specifically denied, were not approved.

Timeliness of FOID Card Application Processing

ISP did not process all FOID cards in the required 30 days during 2008, 2009, and 2010. ISP’s timeliness of the FOID card approval process improved since 2008. In 2008, only 40 percent of cards were approved within the required 30 days. The processing times improved to 80 percent in 2009 and decreased to 70 percent in 2010. Exhibit 3-2 shows that over the three year period, 566,616 of 879,906 (64%) applications were approved within 30 days. Applications approved within 30 days are mainly for applicants that have nothing questionable emerge during their background check. Applications not approved within 30 days generally had something questionable in their background or shared a name with someone who did. These applications had to be reviewed manually to ensure eligibility. This manual review increases the eligibility processing time.



Similarly, the Firearms Services Bureau did not deny FOID card applications in the required 30 days. For applications received during 2008, 2009, and 2010, ISP denied 20,152. Exhibit 3-3 shows that 14,266 (71%) were denied within the required 30 days, and 5,886 (29%) were denied after the 30 day requirement. The exhibit also shows the average days it took to deny a FOID card application. On average it took ISP 13.7 days to deny the applications for the 14,266 applications that were denied within the required 30 days. In 2008, 67 percent of FOID cards were denied within 30 days. The percentage increased to 78 percent in 2009 and decreased to 67 percent in 2010. Over the three year period, 71 percent of the denied FOID cards were denied within the required 30 days.

Exhibit 3-3 TIMELINESS OF FOID CARD APPLICATIONS DENIED For applications received during 2008 - 2010						
Year	<=30 Days			>30 Days		
	Avg. Days to Deny	Applications Denied	Percent Denied	Avg. Days to Deny	Applications Denied	Percent Denied
2008	13.7	4,325	67%	90.1	2,101	33%
2009	13.4	5,357	78%	69.7	1,536	22%
2010	13.9	4,584	67%	54.5	2,249	33%
Totals	13.7	14,266	71%	71.2	5,886	29%

Source: ISP data summarized by the OAG.

TIMELINESS OF FOID CARD APPROVAL AND DENIAL	
RECOMMENDATION NUMBER 10	<i>The Department of State Police should ensure that FOID cards are approved or denied within 30 days from the date received as required by 430 ILCS 65/5.</i>
DEPARTMENT OF STATE POLICE RESPONSE	We concur. As many state agencies have experienced budget reductions along with a cut in personnel, the Firearms Services Bureau is looking for technical advancements to assist with more efficient processing of FOID cards. In addition, the number of FOID applications received by the Bureau was at record levels throughout the audit period, and the volume of FOID applications continues to increase. The Department intends to apply for the FFY12 NARIP grant to complete Phase II of a FOID system rewrite.

FOID Cards Denied

Our analysis of the FOID card data provided by ISP shows that during 2008, 2009, and 2010, ISP denied 20,152 FOID card applicants for 21,839 reasons. In several instances, there was more than one denial code per applicant. ISP's data included 17 reasons FOID cards applicants were disqualified from obtaining a FOID card. Exhibit 3-4 shows the reasons why FOID cards were denied during 2008, 2009, and 2010.

Exhibit 3-4 REASONS FOR DENIAL OF FOID CARD APPLICATIONS Applications received during 2008 - 2010				
Reason for Denial	2008	2009	2010	Totals
Adult Other ²	2,037	2,177	2,067	6,281
Adult Felony	1,847	1,847	1,976	5,670
Mental	1,026	1,115	1,074	3,215
Domestic Violence	570	688	662	1,920
Illegal Alien	287	296	273	856
Minor Sponsor Other	241	262	290	793
Forcible Felony More Than 20 Years	252	244	220	716
Forcible Felony Less Than 20 Years	255	246	197	698
Minor Misdemeanor	137	190	184	511
Adult "Yes" Answer for a Prohibitor	101	175	147	423
Order of Protection	123	125	129	377
NICS Violation	46	40	52	138
Minor Sponsor Felony	42	35	40	117
Minor Felony	26	16	24	66
Minor "Yes" Answer	18	6	7	31
Clear and Present Danger	9	10	7	26
Perjury	0	1	0	1
Totals	7,017¹	7,473¹	7,349¹	21,839
Notes:				
¹ FOID applications may be denied for more than one reason.				
² The State Police have not been able to provide a definition for "Adult Other".				
Source: ISP data summarized by the OAG.				

FOID Cards Revoked

ISP revokes the FOID cards of individuals when disqualifying information is received. As seen in Exhibit 3-5, during 2008, 2009, and 2010, the ISP recorded 21,212 reasons for revocation of FOID cards for 20,227 cardholders. The most common reason for revocation of a FOID card was for the “Revoked Adult Other” category. According to an ISP official, this category includes: probation; outstanding warrants; felony charge filed by State’s Attorney (federal prohibitor); and conditional discharge for those offenses that apply. According to documentation provided by the ISP, there is **no** daily correlation report that is run against the federal NICS database. According to ISP, this is due to NICS not allowing daily correlations to be run. As a result, the only time a current cardholder would have his or her card revoked for a NICS hit would be as a result of an application for renewal of their FOID card, which is now 10 years. ISP does receive information directly from 3 of the 102 circuit court clerks for individuals that have had mental health adjudication, and daily from DHS for individuals that have had a mental health event at either a hospital or nursing home. This information is used to revoke FOID cards.

ISP officials noted that when a FOID card is revoked, the individual receives a letter stating that the FOID card has been revoked and the individual is asked to return the card immediately in the enclosed self-addressed envelope. According to ISP officials, **only 30 percent of revoked cards are returned**. As a result, individuals with revoked cards would continue to maintain a FOID card with a valid date for up to 10 years. According to the Firearm Owners Identification Card Act, the individual would not be allowed to purchase a firearm from a licensed firearm dealer, since a background check would be conducted at the time of purchase. However, if the card is not returned, the individual would appear to have a valid FOID card and they would continue to be able to purchase ammunition.

Furthermore, when a private citizen sells a firearm in the State of Illinois, both the seller and buyer are required to have a valid FOID card. The Act states that the seller is required to maintain the buyer’s FOID card number for 10 years. Since the private seller would have no way to determine whether the FOID card was valid, as long as the buyer could produce what appeared to be a valid FOID card, the seller would have no reason to deny the sale.

Exhibit 3-5 REASONS FOR REVOCATION OF FOID CARDS 2008 - 2010				
Reason for Revocation	2008	2009	2010	Totals ²
Adult Other	3,115	2,930	2,965	9,010
Mental	1,790	1,873	1,770	5,433
Order of Protection	946	1,061	1,237	3,244
Adult Felony	446	391	497	1,334
Domestic Violence	175	175	149	499
Minor Other	232	152	113	497
Minor Sponsor Other	123	166	115	404
Minor Misdemeanor	83	92	77	252
Forcible Felony Less Than 20 Years	66	65	57	188
Clear and Present Danger	36	58	36	130
Illegal Alien	27	25	17	69
Minor Felony	12	21	20	53
NICS Violation	8	16	14	38
Forcible Felony More Than 20 Years	12	14	11	37
Minor Sponsor Felony	6	3	3	12
Perjury	4	5	3	12
Totals	7,081 ¹	7,047 ¹	7,084 ¹	21,212
Notes:				
¹ FOID applications may be revoked for more than one reason.				
² The 21,212 total revocations were for 20,227 individual cardholders.				
Source: ISP data summarized by the OAG.				

Inaccurate FOID Reporting

The information on the numbers of FOID applications received and denied, and the number of FOID cards revoked are not being reported accurately by the State Police. These numbers were provided by ISP for 2010 and were published in the 2009 State Police Annual Report for 2008 and 2009. We reviewed the information in the FOID database, which was provided by ISP, and determined that the published numbers were not accurate. Exhibit 3-6 shows the numbers reported by ISP compared to the actual number from the FOID database by calendar year.

Exhibit 3-6 INACCURATE FOID NUMBERS REPORTED BY ISP						
	Applications Received		Applications Denied		FOID Cards Revoked	
	Annual Report	FOID Database	Annual Report	FOID Database	Annual Report	FOID Database
CY08	278,374	285,707	8,622	6,426	6,311	6,662
CY09	326,008	327,442	10,222	6,893	5,952	6,701
CY10	287,552 ¹	289,990	8,701 ¹	6,833	5,712 ¹	6,864
Totals	891,934	903,139	27,545	20,152	17,975	20,227

Note: ¹ 2010 numbers provided by ISP – 2010 Annual Report had not been released.
 Source: Illinois State Police Annual Reports and OAG analysis of FOID database.

REPORTING BY THE STATE POLICE	
RECOMMENDATION NUMBER 11	<i>The Department of State Police should ensure that the FOID card program numbers it reports in its Annual Report are accurate and reliable.</i>
DEPARTMENT OF STATE POLICE RESPONSE	We concur in part. The method the Department uses in reporting its numbers in the Annual Report is through an application that was not built for this type of reporting. We do not believe our numbers are inaccurate as stated, but instead believe our methodology is different, not wrong. The system runs monthly reports based on activity of the FOID operators. For example, an operator may code a denial on one application two different times for different reasons; the Auditor General stripped out any actions they saw as ‘duplicate.’

Cost of the FOID Card Program

According to the Act (430 ILCS 65/5), although the application fee for a FOID card is \$10, “\$6 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; \$1 of such fee shall be deposited in the State Police Services Fund and \$3 of such fee shall be deposited in the Firearm Owner's Notification Fund.”

According to information provided by ISP, the cost for the FOID card program has increased significantly over the last three calendar years. In 2008, the cost of the program was almost \$1.9 million. In 2010, the cost was 62 percent higher or almost \$3 million. Most of the increase is related to personal services and operating expenses. We did not audit or verify the cost information provided by ISP. Exhibit 3-7 shows the FOID card program costs for fiscal years 2008, 2009, and 2010.

Exhibit 3-7 FOID CARD PROGRAM COST ^{3,4} FY08 - FY10				
		General Revenue Fund	FOID Fund ²	Totals
FY08	• Personal Services ¹	\$1,085,906	\$60,045	\$1,145,951
	• Overtime ¹	\$4,200	-	\$4,200
	• Operating Expenses	<u>\$547,997</u>	<u>\$153,530</u>	<u>\$701,527</u>
	FY08 Totals	\$1,638,103	\$213,575	\$1,851,678
FY09	• Personal Services ¹	\$1,202,006	\$10,036	\$1,212,042
	• Overtime ¹	\$85,200	\$66,084	\$151,284
	• Operating Expenses	<u>\$650,462</u>	<u>\$207,045</u>	<u>\$857,507</u>
	FY09 Totals	\$1,937,667	\$283,166	\$2,220,833
FY10	• Personal Services ¹	\$1,729,356	\$29,209	\$1,758,565
	• Overtime ¹	\$128,272	\$42,875	\$171,147
	• Operating Expenses	<u>\$482,823</u>	<u>\$579,447</u>	<u>\$1,062,270</u>
	FY10 Totals	\$2,340,451	\$651,531	\$2,991,982
	Grand Totals	\$5,916,221	\$1,148,272	\$7,064,493
Notes:				
¹ Personal Services and Overtime include fringes.				
² Spending authority was \$300,000 in FY08 and FY09. Spending authority was \$700,000 in FY10.				
³ Totals may not add due to rounding.				
⁴ Information was provided by ISP and is unaudited.				
Source: Illinois State Police.				

Although the Firearm Owner's Notification Fund receives \$3 of each \$10 application fee, we determined that in FY10 the cost incurred by ISP to produce a FOID card was \$9.88. ISP officials estimate the cost for ISP to process a FOID card in FY10 to be \$10.43. We compared the cost of the program provided by ISP to the number of FOID applications received for FY09 and FY10 and determined that the number of applications processed during FY10 decreased even though the cost of the FOID card program increased. The largest increase from FY09 to FY10 was for personal services. As seen in Exhibit 3-8, based on cost numbers provided by ISP, we estimated that the cost per application processed increased from \$6.83 in FY09 to \$9.88 in FY10.

Exhibit 3-8 ANALYSIS OF FOID CARD PROGRAM COSTS FY09 - FY10			
	FOID Applications Received	Total Cost	Cost per Application
FY09	325,297	\$2,220,833	\$6.83
FY10	302,881	\$2,991,982	\$9.88
Difference	(22,416)	\$771,149	\$3.05

Source: OAG analysis of ISP data.

Overtime Costs

The Firearms Services Bureau spent hundreds of thousands of dollars on overtime for its employees to process FOID card applications. According to documentation provided by ISP, from July 1, 2009, through June 30, 2011, the State Police spent \$526,919 on overtime for FOID card processing. Three employees accounted for \$239,156 of the \$526,919 (45%). Although large amounts of overtime have been used to help improve the timeliness of the FOID card process, in 2010, 30 percent of the 282,567 applications approved were not approved within the required 30 days. We looked at the FY10 salaries for the four individuals with the most overtime and determined that the four received \$84,451 in overtime pay in addition to the \$279,090 earned in annual salary. Exhibit 3-9 shows the annual salary and the overtime paid for the three highest overtime earners.

Exhibit 3-9 FY10 HIGHEST OVERTIME EARNERS			
	Annual Salary	Overtime Pay	Total Amount Paid
Employee A	\$73,290	\$27,490	\$100,780
Employee B	\$77,034	\$17,810	\$94,844
Employee C	\$65,616	\$20,989	\$86,605
Employee D	\$63,150	\$18,163	\$81,313
Totals	\$279,090	\$84,451	\$363,541

Note: Totals do not add due to rounding.
Source: Salary information provided by ISP.

In addition to the large amount of overtime costs for the program, we determined that ISP did not have effective controls over the approval and documentation of the overtime worked. We identified three instances where overtime was requested and approved more than once by the same person for the same day. Several of the overtime payment requests listed different but overlapping times worked. Additionally, the requests often listed different work activities performed. We followed up with ISP and Public Safety Shared Services and determined that

although the overtime payment requests were approved by ISP, the employee was not paid for any of the duplicate requests.

OVERTIME COSTS INCURRED BY THE STATE POLICE	
RECOMMENDATION NUMBER 12	<i>The Department of State Police should evaluate its staffing needs and determine whether it should hire additional staff to assist with the FOID card process instead of supplementing staff hours through the use of costly overtime. Additionally, ISP should review and strengthen its controls over requests for overtime payment.</i>
DEPARTMENT OF STATE POLICE RESPONSE	We concur. Although the Department believes technical advancements with a FOID system rewrite will be helpful, further evaluation concerning current staffing is warranted given the record influx in applications and gun purchases. However, the Department anticipates that in mid-2013, there will be a significant decrease in the renewal of FOID cards due to the change from a 5-year card to a 10-year card. The Department is hopeful this will help in alleviating some of the staffing pressures currently placed on the Bureau. In regards to overtime payment, the Department has been made aware of three instances in which overtime was submitted in duplicate. This was due to a supervisor out on medical leave, and the employee resubmitting the same overtime request to another supervisor in the Bureau. This was immediately caught by the Bureau Timekeeper and corrected before submitted for payment. The Department believes the system worked appropriately in these three instances. However, the Department does agree controls should be strengthened for the process of approving overtime and the documentation of the work performed.

Entering False Information on Application

The audit resolution asked whether the ISP has denied any applications because the applicant provided false information and, if so, whether the ISP made any referrals for criminal prosecution for providing false information. Although 430 ILCS 65/14(d-5) states that “Any person who knowingly enters false information on an application for a Firearm Owner's Identification Card, who knowingly gives a false answer to any question on the application, or who knowingly submits false evidence in connection with an application is guilty of a Class 2 felony,” ISP officials noted that it’s difficult to determine whether the information was false or whether it was a mistake. According to ISP, ISP did not refer these cases for prosecution. The action taken by ISP would be denial of the FOID application.

Additionally, ISP does not have a denial code for providing false information. Applications are denied due to prohibitors related to mental health, felonies, etc. The fact that they provided false information appears to be secondary to the actual prohibitor.

NICS Act Records Improvement Program Grant

According to documentation provided by the Illinois State Police, Illinois received a NICS Act Records Improvement Program (NARIP) grant for 2010. The total grant amount was \$1,209,500. The funding received was to be used for two areas, which consisted of programming and project management services and equipment maintenance. According to the budget narrative, \$892,800 was to be used “to fund contractual project management and programmer/analyst staff to write, test and implement improvements in the Illinois Department of Human Services (DHS) Clinical FOID System to add the functionality to collect data from State and private institutions and clinicians and relay this information to ISP’s reporting system.” The equipment maintenance portion of the program was for \$316,700 and included the purchase of hardware and software.

APPENDICES

APPENDIX A
House Resolution Number 89

STATE OF ILLINOIS
HOUSE OF REPRESENTATIVES
97TH GENERAL ASSEMBLY

HOUSE RESOLUTION NO. 89

OFFERED BY REPRESENTATIVES RICHARD MORTHLAND-ANN WILLIAMS-JACK D. FRANKS-LINDA CHAPA LA VIA-KEITH FARNHAM,
MICHAEL J. ZALEWSKI AND CAROL A. SENTE

WHEREAS, The Department of State Police is charged with the responsibility for administering the Firearm Owners Identification Card Act (the "Act"); and

WHEREAS, The purpose of the Act is to protect the health, safety, and welfare of the public by providing a system of identifying persons who are not qualified to acquire or possess firearms, firearm ammunition, stun guns, and lasers; and

WHEREAS, Each applicant for a Firearm Owner's Identification Card ("Card") must complete an application and submit evidence that he or she meets specified criteria and is not prohibited by certain conditions from having a firearm; and

WHEREAS, Entering false information on an application is punishable as a Class 2 felony; and

WHEREAS, The Department of State Police must approve or deny all applications within 30 days after the date they are received; and

WHEREAS, The Department of State Police may revoke a previously issued Card if the person to whom the Card was issued is or was at the time of issuance ineligible for approval; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Auditor General is directed to conduct a management audit of the Department of State Police's administration of the Firearm Owners Identification Card Act; and be it further

RESOLVED, That the audit include, but need not be limited to, the following determinations:

- (1) What steps the Department of State Police takes to determine whether an applicant is eligible or ineligible to receive a Card and whether those steps appear to be adequate;
- (2) The total number of applicants during the past 3 years, the number of those applicants who were denied a Card, and the reasons for denial;
- (3) Whether the Department of State Police is approving or denying all applications within 30 days after the date they are received;
- (4) The total number of Cards that were revoked during the past 3 years and the reasons for revocation; and
- (5) Whether, during the past 3 years, the Department of State Police has denied any applications for a Card because the applicant provided false information and, if so, whether the Department of State Police made any referrals for criminal prosecution of applicants providing false information on a Card application; and be it further

RESOLVED, That the Department of State Police and any other State agency, entity, or person that may have information relevant to this audit cooperate fully and promptly with the Auditor General's Office in its conduct; and be it further

RESOLVED, That the Auditor General commence this audit as soon as possible and, upon completion, distribute a report in accordance with Section 3-14 of the Illinois State Auditing Act.

Adopted by the House of Representatives on April 14, 2011.

Timothy D. Mapes
TIMOTHY D. MAPES
CLERK OF THE HOUSE



Michael J. Madigan
MICHAEL J. MADIGAN
SPEAKER OF THE HOUSE

APPENDIX B
Sampling & Analytical Methodology

SAMPLING & ANALYTICAL METHODOLOGY

This management audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was also conducted in accordance with audit standards promulgated by the Office of the Auditor General at 74 Ill. Adm. Code 420.310.

The audit's objectives are contained in House Resolution Number 89 (see Appendix A). The Resolution directs the Office of the Auditor General to conduct a management audit of the Department of State Police's administration of the Firearm Owners Identification Card Act. The Resolution contained five determinations.

In conducting this audit, we reviewed applicable State statutes and administrative rules. In addition, we reviewed applicable federal regulations and requirements. Any instances of non-compliance are included in this report. Additionally, we reviewed agreements related to the FOID card process. The first agreement was between the State Police and the Secretary of State for retrieving computer stored information. The second was a Memorandum of Understanding between the State Police, the Illinois Department of Human Services, and the Federal Bureau of Investigation regarding the provision of data and access to the National Instant Criminal Background Check System.

We met with individuals from both the Illinois Department of Human Services (DHS) and the Illinois State Police (ISP). We reviewed the process used by DHS to identify individuals with FOID cards that have mental health admissions. Additionally, we met with DHS officials to gain an understanding of the mental health reporting by hospitals and nursing homes. We reviewed the FOID process at the State Police and conducted a walk-through of the eligibility determination process. We reviewed the reporting by hospitals and nursing homes for reasonableness by comparing those that were reporting mental health records against a listing of hospitals and nursing homes with psychiatric beds. However, we did not test at individual hospitals or nursing homes to see whether they were reporting all the individuals that they should be reporting.

ISP was not timely in submitting information requested to complete this audit. There were time delays in answering questions asked in relation to this audit. For example, on October 26, 2011, auditors requested copies of ISP's policies regarding overtime. The policies were not received until January 23, 2012, almost three months later. In addition, some information was never provided in relation to items requested for this audit. ISP did not provide complete supporting selection documentation related to the procurement of vendors used for the FOID card process. This documentation was initially requested on June 23, 2011. On January 18, 2012, almost seven months after our initial request, ISP indicated it identified additional

electronic files related to the procurement. Since our fieldwork had ended, we did not review the additional procurement files.

During the audit, we visited the three vendors used by the State Police for the FOID card process. These include Boland Enterprises, Illinois National Bank (INB), and Fidelity National Information Services, Inc. (FIS). We reviewed the remittance process performed by INB, the scanning and keying performed by Boland, and the physical card making process at FIS.

During the audit we performed testing on several areas. Our main sample for the audit related to what steps the Department of State Police takes to determine whether an applicant is eligible or ineligible to receive a card and whether those steps appear to be adequate. We selected a systematic random sample of 68 FOID card applications from applications received in 2010 with a confidence level of 90 percent and an acceptable error rate of 10 percent. The sample included 38 applications in which eligibility was automatically approved by the system as well as 30 applications in which the system identified a possible prohibitor that needed further review by ISP. The 30 applications with potential prohibitors included 16 applications that were reviewed due to a criminal history match and 14 applications that were reviewed because the applicant had a name similar to a person in the system with a criminal history. Our review consisted of observing a supervisor from the Firearms Services Bureau review all potential firearm prohibitors for each application that had potential prohibitors.

Other testing conducted included:

- randomly selecting 25 mental health matches from DHS from 2010 and determining how long it took ISP to review the match and how long it took ISP to revoke the card if necessary; and
- reviewing all mental health adjudications received by ISP during 2010 and determining whether the order contained all necessary information to identify a potential FOID card holder, and how long it took ISP to revoke the card and report the individual to the NICS Index.

Other than our sample of 68 FOID card applications from applications received in 2010, none of our other sample results from testing conducted during this audit should be projected to the population.

We reviewed risk and internal controls at ISP and DHS related to the FOID card process related to the audit objectives. The audit identified weaknesses in internal controls, which are included as findings in this report.

APPENDIX C
Firearm Owners Identification
Card Act

430 ILCS 65/ Firearm Owners Identification Card Act. Information maintained by the
Legislative Reference Bureau

PUBLIC SAFETY

(430 ILCS 65/) Firearm Owners Identification Card Act.

(430 ILCS 65/0.01) (from Ch. 38, par. 83-0.1)

Sec. 0.01. Short title. This Act may be cited as the
Firearm Owners Identification Card Act.

(Source: P.A. 86-1324.)

(430 ILCS 65/1) (from Ch. 38, par. 83-1)

Sec. 1. It is hereby declared as a matter of legislative
determination that in order to promote and protect the health,
safety and welfare of the public, it is necessary and in the
public interest to provide a system of identifying persons who
are not qualified to acquire or possess firearms, firearm
ammunition, stun guns, and tasers within the State of Illinois
by the establishment of a system of Firearm Owner's
Identification Cards, thereby establishing a practical and
workable system by which law enforcement authorities will be
afforded an opportunity to identify those persons who are
prohibited by Section 24-3.1 of the "Criminal Code of 1961",
as amended, from acquiring or possessing firearms and firearm
ammunition and who are prohibited by this Act from acquiring
stun guns and tasers.

(Source: P.A. 94-6, eff. 1-1-06.)

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

Sec. 1.1. For purposes of this Act:

"Has been adjudicated as a mental defective" means the
person is the subject of a determination by a court, board,
commission or other lawful authority that a person, as a
result of marked subnormal intelligence, or mental illness,
mental impairment, incompetency, condition, or disease:

(1) is a danger to himself, herself, or to others;

(2) lacks the mental capacity to manage his or her
own affairs;

(3) is not guilty in a criminal case by reason of
insanity, mental disease or defect;

(4) is incompetent to stand trial in a criminal case;

(5) is not guilty by reason of lack of mental
responsibility pursuant to Articles 50a and 72b of the
Uniform Code of Military Justice, 10 U.S.C. 850a, 876b.

"Counterfeit" means to copy or imitate, without legal
authority, with intent to deceive.

"Federally licensed firearm dealer" means a person who is
licensed as a federal firearms dealer under Section 923 of the
federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which
is designed to expel a projectile or projectiles by the action
of an explosion, expansion of gas or escape of gas; excluding,
however:

(1) any pneumatic gun, spring gun, paint ball gun or
B-B gun which either expels a single globular projectile

not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business and where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) at which not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

"Stun gun or taser" has the meaning ascribed to it in

Section 24-1 of the Criminal Code of 1961.
(Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331, eff. 8-21-07; 95-581, eff. 6-1-08.)

(430 ILCS 65/2) (from Ch. 38, par. 83-2)

Sec. 2. Firearm Owner's Identification Card required; exceptions.

(a) (1) 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 Department of State Police under the provisions of this Act.

(2) No person may acquire or possess firearm ammunition 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 Department of State Police under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms, firearm ammunition, stun guns, and tasers do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Members of bona fide veterans organizations which receive firearms directly from the armed forces of the United States, while using the firearms for ceremonial purposes with blank ammunition;

(5) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(6) Those hunters exempt from obtaining a hunting license who are required to submit their Firearm Owner's Identification Card when hunting on Department of Natural Resources owned or managed sites;

(7) Nonresidents while on a firing or shooting range recognized by the Department of State Police; however, these persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents while at a firearm showing or display recognized by the Department of State Police; however, at all other times and in all other places these persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents whose firearms are unloaded and enclosed in a case;

(10) Nonresidents who are currently licensed or registered to possess a firearm in their resident state;

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or

other person in loco parentis to the minor if the parent or legal guardian or other person in loco parentis to the minor has a currently valid Firearm Owner's Identification Card;

(12) Color guards of bona fide veterans organizations or members of bona fide American Legion bands while using firearms for ceremonial purposes with blank ammunition;

(13) Nonresident hunters whose state of residence does not require them to be licensed or registered to possess a firearm and only during hunting season, with valid hunting licenses, while accompanied by, and using a firearm owned by, a person who possesses a valid Firearm Owner's Identification Card and while in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled, but in no instance upon sites owned or managed by the Department of Natural Resources;

(14) Resident hunters who are properly authorized to hunt and, while accompanied by a person who possesses a valid Firearm Owner's Identification Card, hunt in an area within a commercial club licensed under the Wildlife Code where hunting is permitted and controlled;

(15) A person who is otherwise eligible to obtain a Firearm Owner's Identification Card under this Act and is under the direct supervision of a holder of a Firearm Owner's Identification Card who is 21 years of age or older while the person is on a firing or shooting range or is a participant in a firearms safety and training course recognized by a law enforcement agency or a national, statewide shooting sports organization; and

(16) Competitive shooting athletes whose competition firearms are sanctioned by the International Olympic Committee, the International Paralympic Committee, the International Shooting Sport Federation, or USA Shooting in connection with such athletes' training for and participation in shooting competitions at the 2016 Olympic and Paralympic Games and sanctioned test events leading up to the 2016 Olympic and Paralympic Games.

(c) The provisions of this Section regarding the acquisition and possession of firearms, firearm ammunition, stun guns, and tasers do not apply to law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties.

(Source: P.A. 96-7, eff. 4-3-09.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm, firearm ammunition, stun gun, or taser to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm, stun gun, and taser transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm

dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm, stun gun, or taser shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm, stun gun, or taser if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On or after January 1, 2006, the record shall contain the date of application for transfer of the firearm. On demand of a peace officer such transferor shall produce for inspection such record of transfer. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number is a petty offense.

(b-5) Any resident may purchase ammunition from a person outside of Illinois. Any resident purchasing ammunition outside the State of Illinois must provide the seller with a copy of his or her valid Firearm Owner's Identification Card and either his or her Illinois driver's license or Illinois State Identification Card prior to the shipment of the ammunition. The ammunition may be shipped only to an address on either of those 2 documents.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act. (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353, eff. 7-29-05; 94-571, eff. 8-12-05; 95-331, eff. 8-21-07.)

(430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

Sec. 3a. (a) Any resident of Illinois who has obtained a firearm owner's identification card pursuant to this Act and who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase or obtain a rifle or shotgun or ammunition for a rifle or shotgun in Iowa, Missouri, Indiana, Wisconsin or Kentucky.

(b) Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his domicile, or the United States from obtaining, possessing or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for a rifle or shotgun in Illinois.

(b-5) Any non-resident who is participating in a sanctioned competitive shooting event, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a shotgun or shotgun ammunition in Illinois for the purpose of participating in that event. A person may purchase or obtain a shotgun or shotgun ammunition under this

subsection only at the site where the sanctioned competitive shooting event is being held.

(c) Any transaction under this Section is subject to the provisions of the Gun Control Act of 1968 (18 U.S.C. 922

(b)(3)).

(Source: P.A. 94-353, eff. 7-29-05.)

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm, stun gun, or taser under the provisions of this Act. The Department of State Police may utilize existing technology which allows the caller to be charged a fee not to exceed \$2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, stun guns, and tasers notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm, stun gun, or taser. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 1961, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer; and

(2) provide the licensee, gun show promoter, or gun show vendor with the number.

(d) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(e) (1) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(2) The Department of State Police and the Department of Human Services shall, in accordance with State and federal law regarding confidentiality, enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing the National Instant Criminal

Background Check System in the State. The Department of State Police shall report the name, date of birth, and physical description of any person prohibited from possessing a firearm pursuant to the Firearm Owners Identification Card Act or 18 U.S.C. 922(g) and (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.

(f) The Department of State Police shall promulgate rules not inconsistent with this Section to implement this system. (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; 95-331, eff. 8-21-07; 95-564, eff. 6-1-08.)

(430 ILCS 65/3.2)

Sec. 3.2. List of prohibited projectiles; notice to dealers. Prior to January 1, 2002, the Department of State Police shall list on the Department's World Wide Web site all firearm projectiles that are prohibited under Sections 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 1961, together with a statement setting forth the sentence that may be imposed for violating those Sections. The Department of State Police shall, prior to January 1, 2002, send a list of all firearm projectiles that are prohibited under Sections 24-2.1, 24-2.2, and 24-3.2 of the Criminal Code of 1961 to each federally licensed firearm dealer in Illinois registered with the Department.

(Source: P.A. 92-423, eff. 1-1-02.)

(430 ILCS 65/3.3)

Sec. 3.3. Report to the local law enforcement agency. The Department of State Police must report the name and address of a person to the local law enforcement agency where the person resides if the person attempting to purchase a firearm is disqualified from purchasing a firearm because of information obtained under Section 3.1 that would disqualify the person from obtaining a Firearm Owner's Identification Card under any of subsections (c) through (n) of Section 8 of this Act.

(Source: P.A. 94-125, eff. 1-1-06.)

(430 ILCS 65/4) (from Ch. 38, par. 83-4)

(Text of Section from P.A. 97-158)

Sec. 4. (a) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police that:

(i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or

adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental institution within the past 5 years and he or she has not been adjudicated as a mental defective;

(v) He or she is not mentally retarded;

(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(ix) He or she has not been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after the effective date of this amendatory Act of the 97th General Assembly;

(x) (Blank);

(xi) He or she is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(xii) He or she is not a minor 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; and

(xiii) He or she is not an adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony; and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her driver's license number or Illinois Identification Card number.

(a-10) Each applicant for a Firearm Owner's Identification Card, who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or state identification card number from his or her state of residence. The Department of State Police may promulgate rules to enforce the provisions of this subsection (a-10).

(b) Each application form shall include the following statement printed in bold type: "Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act."

(c) Upon such written consent, pursuant to Section 4, paragraph (a)(2)(i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition. (Source: P.A. 97-158, eff. 1-1-12.)

(Text of Section from P.A. 97-227)

Sec. 4. (a) Each applicant for a Firearm Owner's Identification Card must:

(1) Make application on blank forms prepared and furnished at convenient locations throughout the State by the Department of State Police, or by electronic means, if and when made available by the Department of State Police; and

(2) Submit evidence to the Department of State Police

that:

(i) He or she is 21 years of age or over, or if he or she is under 21 years of age that he or she has the written consent of his or her parent or legal guardian to possess and acquire firearms and firearm ammunition and that he or she has never been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, provided, however, that such parent or legal guardian is not an individual prohibited from having a Firearm Owner's Identification Card and files an affidavit with the Department as prescribed by the Department stating that he or she is not an individual prohibited from having a Card;

(ii) He or she has not been convicted of a felony under the laws of this or any other jurisdiction;

(iii) He or she is not addicted to narcotics;

(iv) He or she has not been a patient in a mental institution within the past 5 years and he or she has not been adjudicated as a mental defective;

(v) He or she is not intellectually disabled;

(vi) He or she is not an alien who is unlawfully present in the United States under the laws of the United States;

(vii) He or she is not subject to an existing order of protection prohibiting him or her from possessing a firearm;

(viii) He or she has not been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(ix) He or she has not been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after the effective date of this amendatory Act of 1997;

(x) He or she has not been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before the effective date of this amendatory Act of 1997;

(xi) He or she is not an alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), or that he or she is an alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country

to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(xii) He or she is not a minor 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; and

(xiii) He or she is not an adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony; and

(3) Upon request by the Department of State Police, sign a release on a form prescribed by the Department of State Police waiving any right to confidentiality and requesting the disclosure to the Department of State Police of limited mental health institution admission information from another state, the District of Columbia, any other territory of the United States, or a foreign nation concerning the applicant for the sole purpose of determining whether the applicant is or was a patient in a mental health institution and disqualified because of that status from receiving a Firearm Owner's Identification Card. No mental health care or treatment records may be requested. The information received shall be destroyed within one year of receipt.

(a-5) Each applicant for a Firearm Owner's Identification Card who is over the age of 18 shall furnish to the Department of State Police either his or her driver's license number or Illinois Identification Card number.

(a-10) Each applicant for a Firearm Owner's Identification Card, who is employed as an armed security officer at a nuclear energy, storage, weapons, or development facility regulated by the Nuclear Regulatory Commission and who is not an Illinois resident, shall furnish to the Department of State Police his or her driver's license number or state identification card number from his or her state of residence. The Department of State Police may promulgate rules to enforce the provisions of this subsection (a-10).

(b) Each application form shall include the following statement printed in bold type: "Warning: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owners Identification Card Act."

(c) Upon such written consent, pursuant to Section 4, paragraph (a)(2)(i), the parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

(Source: P.A. 97-227, eff. 1-1-12.)

(430 ILCS 65/5) (from Ch. 38, par. 83-5)

Sec. 5. The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified pursuant to Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a \$10 fee. Any applicant who is an active duty member of the Armed Forces of the United States, a member of the Illinois National Guard, or a member of the Reserve Forces of the United States is exempt from the application fee. \$6 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; \$1 of such fee shall be deposited in the State Police Services Fund and \$3 of such fee shall be deposited in the Firearm Owner's Notification Fund. Monies in the Firearm Owner's Notification Fund shall be used exclusively to pay for the cost of sending notices of expiration of Firearm Owner's Identification Cards under Section 13.2 of this Act. Excess monies in the Firearm Owner's Notification Fund shall be used to ensure the prompt and efficient processing of applications received under Section 4 of this Act.

(Source: P.A. 95-581, eff. 6-1-08; 96-91, eff. 7-27-09.)

(430 ILCS 65/6) (from Ch. 38, par. 83-6)

Sec. 6. Contents of Firearm Owner's Identification Card.

(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 and signature. Each Firearm Owner's Identification Card must have the expiration date boldly and conspicuously displayed on the face of the card. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION - This card does not permit bearer to UNLAWFULLY carry or use firearms." Before December 1, 2002, the Department may use a person's digital photograph and signature from his or her Illinois driver's license or Illinois Identification Card, if available. On and after December 1, 2002, the Department shall use a person's digital photograph and signature from his or her Illinois driver's license or Illinois Identification Card, if available. The Department shall decline to use a person's digital photograph or signature if the digital photograph or signature is the result of or associated with fraudulent or erroneous data, unless otherwise provided by law.

(b) A person applying for a Firearm Owner's Identification Card shall consent to the Department of State Police using the applicant's digital driver's license or Illinois Identification Card photograph, if available, and signature on the applicant's Firearm Owner's Identification Card. The Secretary of State shall allow the Department of State Police access to the photograph and signature for the purpose of identifying the applicant and issuing to the applicant a

Firearm Owner's Identification Card.

(c) The Secretary of State shall conduct a study to determine the cost and feasibility of creating a method of adding an identifiable code, background, or other means on the driver's license or Illinois Identification Card to show that an individual is not disqualified from owning or possessing a firearm under State or federal law. The Secretary shall report the findings of this study 12 months after the effective date of this amendatory Act of the 92nd General Assembly.

(Source: P.A. 91-694, eff. 4-13-00; 92-442, eff. 8-17-01.)

(430 ILCS 65/6.1)

Sec. 6.1. Altered, forged or counterfeit Firearm Owner's Identification Cards.

(a) Any person who forges or materially alters a Firearm Owner's Identification Card or who counterfeits a Firearm Owner's Identification Card commits a Class 2 felony.

(b) Any person who knowingly possesses a forged or materially altered Firearm Owner's Identification Card with the intent to use it commits a Class 2 felony. A person who possesses a Firearm Owner's Identification Card with knowledge that it is counterfeit commits a Class 2 felony.

(Source: P.A. 92-414, eff. 1-1-02.)

(430 ILCS 65/7) (from Ch. 38, par. 83-7)

Sec. 7. Except as provided in Section 8 of this Act, a Firearm Owner's Identification Card issued under the provisions of this Act shall be valid for the person to whom it is issued for a period of 10 years from the date of issuance.

(Source: P.A. 95-581, eff. 6-1-08.)

(430 ILCS 65/8) (from Ch. 38, par. 83-8)

(Text of Section from P.A. 97-158)

Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his 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 Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years or has been adjudicated as

a mental defective;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.

(g) A person who is mentally retarded;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) (Blank);

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery, aggravated domestic battery, or a substantially similar offense in another jurisdiction committed before, on or after the effective date of this amendatory Act of the 97th General Assembly;

(m) (Blank);

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor 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; or

(p) An adult who had been adjudicated a delinquent minor

under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony. (Source: P.A. 96-701, eff. 1-1-10; 97-158, eff. 1-1-12.)

(Text of Section from P.A. 97-227)

Sec. 8. The Department of State Police has authority to deny an application for or to revoke and seize a Firearm Owner's Identification Card previously issued under this Act only if the Department finds that the applicant or the person to whom such card was issued is or was at the time of issuance:

(a) A person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(b) A person under 21 years of age who does not have the written consent of his 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 Firearm Owner's Identification Card;

(c) A person convicted of a felony under the laws of this or any other jurisdiction;

(d) A person addicted to narcotics;

(e) A person who has been a patient of a mental institution within the past 5 years or has been adjudicated as a mental defective;

(f) A person whose mental condition is of such a nature that it poses a clear and present danger to the applicant, any other person or persons or the community;

For the purposes of this Section, "mental condition" means a state of mind manifested by violent, suicidal, threatening or assaultive behavior.

(g) A person who is intellectually disabled;

(h) A person who intentionally makes a false statement in the Firearm Owner's Identification Card application;

(i) An alien who is unlawfully present in the United States under the laws of the United States;

(i-5) An alien who has been admitted to the United States under a non-immigrant visa (as that term is defined in Section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26))), except that this subsection (i-5) does not apply to any alien who has been lawfully admitted to the United States under a non-immigrant visa if that alien is:

(1) admitted to the United States for lawful hunting or sporting purposes;

(2) an official representative of a foreign government who is:

(A) accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; or

(B) en route to or from another country to which that alien is accredited;

(3) an official of a foreign government or distinguished foreign visitor who has been so designated by the Department of State;

(4) a foreign law enforcement officer of a friendly

foreign government entering the United States on official business; or

(5) one who has received a waiver from the Attorney General of the United States pursuant to 18 U.S.C. 922(y)(3);

(j) (Blank);

(k) A person who has been convicted within the past 5 years of battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in another jurisdiction, in which a firearm was used or possessed;

(l) A person who has been convicted of domestic battery or a substantially similar offense in another jurisdiction committed on or after January 1, 1998;

(m) A person who has been convicted within the past 5 years of domestic battery or a substantially similar offense in another jurisdiction committed before January 1, 1998;

(n) A person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois State statute or by federal law;

(o) A minor 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; or

(p) An adult who had been adjudicated a delinquent minor under the Juvenile Court Act of 1987 for the commission of an offense that if committed by an adult would be a felony. (Source: P.A. 96-701, eff. 1-1-10; 97-227, eff. 1-1-12.)

(430 ILCS 65/8.1) (from Ch. 38, par. 83-8.1)

Sec. 8.1. Circuit Clerk to notify Department of State Police.

(a) The Circuit Clerk shall, in the form and manner required by the Supreme Court, notify the Department of State Police of all final dispositions of cases for which the Department has received information reported to it under Section 2.1 of the Criminal Identification Act.

(b) Upon adjudication of any individual as a mental defective, as defined in Section 1.1, the court shall direct the circuit court clerk to immediately notify the Department of State Police, Firearm Owner's Identification (FOID) department, and shall forward a copy of the court order to the Department.

(Source: P.A. 95-581, eff. 6-1-08.)

(430 ILCS 65/8.2)

Sec. 8.2. Firearm Owner's Identification Card denial or revocation. The Department of State Police shall deny an application or shall revoke and seize a Firearm Owner's Identification Card previously issued under this Act if the Department finds that the applicant or person to whom such card was issued is or was at the time of issuance subject to an existing order of protection.

(Source: P.A. 96-701, eff. 1-1-10.)

(430 ILCS 65/9) (from Ch. 38, par. 83-9)

Sec. 9. Every person whose application for a Firearm Owner's Identification Card is denied, and every holder of such a Card before his Card is revoked or seized, shall receive a written notice from the Department of State Police stating specifically the grounds upon which his application has been denied or upon which his Identification Card has been revoked.

(Source: P.A. 84-25.)

(430 ILCS 65/10) (from Ch. 38, par. 83-10)

Sec. 10. (a) Whenever an application for a Firearm Owner's Identification Card is denied, whenever the Department fails to act on an application within 30 days of its receipt, or whenever such a Card is revoked or seized as provided for in Section 8 of this Act, the aggrieved party may appeal to the Director of the Department of State Police for a hearing upon such denial, revocation or seizure, unless the denial, revocation, or seizure was based upon a forcible felony, stalking, aggravated stalking, domestic battery, any violation of the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Cannabis Control Act that is classified as a Class 2 or greater felony, any felony violation of Article 24 of the Criminal Code of 1961, or any adjudication as a delinquent minor for the commission of an offense that if committed by an adult would be a felony, in which case the aggrieved party may petition the circuit court in writing in the county of his or her residence for a hearing upon such denial, revocation, or seizure.

(b) At least 30 days before any hearing in the circuit court, the petitioner shall serve the relevant State's Attorney with a copy of the petition. The State's Attorney may object to the petition and present evidence. At the hearing the court shall determine whether substantial justice has been done. Should the court determine that substantial justice has not been done, the court shall issue an order directing the Department of State Police to issue a Card.

(c) Any person prohibited from possessing a firearm under Sections 24-1.1 or 24-3.1 of the Criminal Code of 1961 or acquiring a Firearm Owner's Identification Card under Section 8 of this Act may apply to the Director of the Department of State Police or petition the circuit court in the county where the petitioner resides, whichever is applicable in accordance with subsection (a) of this Section, requesting relief from such prohibition and the Director or court may grant such relief if it is established by the applicant to the court's or Director's satisfaction that:

(0.05) when in the circuit court, the State's Attorney has been served with a written copy of the petition at least 30 days before any such hearing in the circuit court and at the hearing the State's Attorney was afforded an opportunity to present evidence and object to the petition;

(1) the applicant has not been convicted of a

forcible felony under the laws of this State or any other jurisdiction within 20 years of the applicant's application for a Firearm Owner's Identification Card, or at least 20 years have passed since the end of any period of imprisonment imposed in relation to that conviction;

(2) the circumstances regarding a criminal conviction, where applicable, the applicant's criminal history and his reputation are such that the applicant will not be likely to act in a manner dangerous to public safety; and

(3) granting relief would not be contrary to the public interest.

(d) When a minor is adjudicated delinquent for an offense which if committed by an adult would be a felony, the court shall notify the Department of State Police.

(e) The court shall review the denial of an application or the revocation of a Firearm Owner's Identification Card of a person who has been adjudicated delinquent for an offense that if committed by an adult would be a felony if an application for relief has been filed at least 10 years after the adjudication of delinquency and the court determines that the applicant should be granted relief from disability to obtain a Firearm Owner's Identification Card. If the court grants relief, the court shall notify the Department of State Police that the disability has been removed and that the applicant is eligible to obtain a Firearm Owner's Identification Card.

(f) Any person who is prohibited from possessing a firearm under 18 U.S.C. 922(d)(4) and 922(g)(4) of the federal Gun Control Act of 1968 may apply to the Department of State Police requesting relief from such prohibition and the Director shall grant such relief if it is established to the Director's satisfaction that the person will not be likely to act in a manner dangerous to public safety and granting relief would not be contrary to the public interest.

(Source: P.A. 96-1368, eff. 7-28-10.)

(430 ILCS 65/11) (from Ch. 38, par. 83-11)

Sec. 11. All final administrative decisions of the Department under this Act shall be subject to judicial review under the provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

The Director of State Police shall submit a report to the General Assembly on March 1 of each year, beginning March 1, 1991, listing all final decisions by a court of this State upholding, reversing, or reversing in part any administrative decision made by the Department of State Police.

(Source: P.A. 86-882.)

(430 ILCS 65/12) (from Ch. 38, par. 83-12)

Sec. 12. The provisions of this Act shall not apply to the passing or transfer of any firearm or firearm ammunition upon the death of the owner thereof to his heir or legatee or to the passing or transfer of any firearm or firearm ammunition

incident to any legal proceeding or action until 60 days after such passing or transfer.
(Source: Laws 1967, p. 2600.)

(430 ILCS 65/13) (from Ch. 38, par. 83-13)
Sec. 13. Nothing in this Act shall make lawful the acquisition or possession of firearms or firearm ammunition which is otherwise prohibited by law.
(Source: Laws 1967, p. 2600.)

(430 ILCS 65/13.1) (from Ch. 38, par. 83-13.1)
Sec. 13.1.
The provisions of any ordinance enacted by any municipality which requires registration or imposes greater restrictions or limitations on the acquisition, possession and transfer of firearms than are imposed by this Act, are not invalidated or affected by this Act.
(Source: P.A. 76-1939.)

(430 ILCS 65/13.2) (from Ch. 38, par. 83-13.2)
Sec. 13.2. The Department of State Police shall, 60 days prior to the expiration of a Firearm Owner's Identification Card, forward by first class mail to each person whose card is to expire a notification of the expiration of the card and an application which may be used to apply for renewal of the card. It is the obligation of the holder of a Firearm Owner's Identification Card to notify the Department of State Police of any address change since the issuance of the Firearm Owner's Identification Card.
(Source: P.A. 91-690, eff. 4-13-00.)

(430 ILCS 65/13.3)
Sec. 13.3. Municipal ordinance submission. Within 6 months after the effective date of this amendatory Act of the 92nd General Assembly, every municipality must submit to the Department of State Police a copy of every ordinance adopted by the municipality that regulates the acquisition, possession, sale, or transfer of firearms within the municipality and must submit, 30 days after adoption, every such ordinance adopted after its initial submission of ordinances under this Section. The Department of State Police shall compile these ordinances and publish them in a form available to the public free of charge and shall periodically update this compilation of ordinances in a manner prescribed by the Director of State Police.
(Source: P.A. 92-238, eff. 8-3-01.)

(430 ILCS 65/14) (from Ch. 38, par. 83-14)
Sec. 14. Sentence.
(a) A violation of paragraph (1) of subsection (a) of Section 2, when the person's Firearm Owner's Identification Card is expired but the person is not otherwise disqualified

from renewing the card, is a Class A misdemeanor.

(b) Except as provided in subsection (a) with respect to an expired card, a violation of paragraph (1) of subsection (a) of Section 2 is a Class A misdemeanor when the person does not possess a currently valid Firearm Owner's Identification Card, but is otherwise eligible under this Act. A second or subsequent violation is a Class 4 felony.

(c) A violation of paragraph (1) of subsection (a) of Section 2 is a Class 3 felony when:

(1) the person's Firearm Owner's Identification Card is revoked or subject to revocation under Section 8; or

(2) the person's Firearm Owner's Identification Card is expired and not otherwise eligible for renewal under this Act; or

(3) the person does not possess a currently valid Firearm Owner's Identification Card, and the person is not otherwise eligible under this Act.

(d) A violation of subsection (a) of Section 3 is a Class 4 felony. A third or subsequent conviction is a Class 1 felony.

(d-5) Any person who knowingly enters false information on an application for a Firearm Owner's Identification Card, who knowingly gives a false answer to any question on the application, or who knowingly submits false evidence in connection with an application is guilty of a Class 2 felony.

(e) Except as provided by Section 6.1 of this Act, any other violation of this Act is a Class A misdemeanor. (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02; 92-442, eff. 8-17-01; 92-651, eff. 7-11-02.)

(430 ILCS 65/15) (from Ch. 38, par. 83-15)

Sec. 15. If any provision of this Act or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid application or provision, and to this end the provisions of this Act are declared to be severable.

(Source: Laws 1967, p. 2600.)

(430 ILCS 65/15a) (from Ch. 38, par. 83-15a)

Sec. 15a. When this amendatory Act enacted by the Seventy-Sixth General Assembly takes effect the records of the Department of Public Safety relating to the administration of the Act amended shall be transferred to the Department of State Police. All Firearm Owner's Identification Cards issued by the Department of Public Safety shall be valid for the period for which they were issued unless revoked or seized in the manner provided in the Act amended. The Department of State Police as the successor to the Department of Public Safety shall have the rights, powers and duties provided in, and be subject to the provisions of Sections 5-95, 5-700, and 5-705 of the Departments of State Government Law (20 ILCS 5/5-95, 5/5-700, and 5/5-705).

(Source: P.A. 91-239, eff. 1-1-00.)

(430 ILCS 65/15b)

Sec. 15b. Certified abstracts. Any certified abstract issued by the Director of State Police or transmitted electronically by the Director of State Police under this Section to a court or on request of a law enforcement agency for the record of a named person as to the status of the person's Firearm Owner's Identification Card is prima facie evidence of the facts stated in the certified abstract and if the name appearing in the abstract is the same as that of a person named in an information or warrant, the abstract is prima facie evidence that the person named in the information or warrant is the same person as the person named in the abstract and is admissible for any prosecution under this Act or any other applicable violation of law and may be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual Firearm Owner's Identification Card records maintained by the Department of State Police.

(Source: P.A. 92-839, eff. 8-22-02.)

(430 ILCS 65/16) (from Ch. 38, par. 83-16)

Sec. 16. When 2% of the number of registered voters in the State desire to pass upon the question of whether the General Assembly should repeal this Act regulating the acquisition, possession and transfer of firearms and firearm ammunition, they shall, at least 78 days before a regular election to be held throughout the State, file in the office of the State Board of Elections, a petition directed to the Board in accordance with the general election law. The petition shall be composed of county petitions from each of the counties throughout the State and each county petition shall contain the signatures of at least 2% of the number of registered voters in the county. The petition shall request that the question "Should the General Assembly repeal the Act entitled 'An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith,' approved August 3, 1967, as amended?" be submitted to the voters of the State at the next ensuing State-wide election at which such question may be acted upon.

(Source: P.A. 81-1489.)

(430 ILCS 65/16.1) (from Ch. 38, par. 83-16.1)

Sec. 16.1. A petition for the submission of the proposition shall be in substantially the following form:

To the State Board of Elections

The undersigned, residents and registered voters of the State of Illinois, respectfully petition that you cause to be submitted, in the manner provided by the general election law to the voters of the State of Illinois, at the next State-wide election, the proposition "Should the General Assembly repeal an Act entitled 'An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to

provide a penalty for the violation thereof and to make an appropriation in connection therewith', approved August 3, 1967, as amended?"

Such petition shall conform to the requirements of the general election law. The Board shall certify the question to the proper election officials who shall submit the question at an election in accordance with the general election law. Upon request of any citizen for a reproduced copy of the petition and paying or tendering to the State Board of Elections the costs of making the copy, the Board shall immediately make, or cause to be made a reproduced copy of such petition. The Board shall also deliver to such person his official certification that such copy is a true copy of the original, stating the day when such original was filed in its office.
(Source: P.A. 81-1489.)

(430 ILCS 65/16-3) (from Ch. 38, par. 83-16.3)

Sec. 16-3. The Secretary of State shall cause the question to be plainly printed upon separate ballots as follows:

Should the General Assembly repeal the Act
entitled "An Act relating to the acquisition, YES
possession and transfer of firearms and
firearm ammunition, to provide a penalty -----
for the violation thereof and to make an
appropriation in connection therewith", NO
approved August 3, 1967, as amended?

(Source: P.A. 77-1819.)

APPENDIX D

FOID Card Application

Note:

Two versions of the FOID application are presented in this appendix. The application on pages 91 and 92 is the application for the audit period. The application on pages 93 and 94 is as of March 2012.



WARNING: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owner's Identification Card Act.

Document #

Document # input field

Remit exactly \$10.00 in check or money order payable to FOID. THIS FEE IS NONREFUNDABLE

Last Name

Last Name input field

First Name

First Name input field

M. Initial

M. Initial input field

Suffix

Suffix input field

Street Address

Street Address input field

Apt

Apt input field

City/Town

City/Town input field

State

State input field

Zip Code

Zip Code input field

County Code

County Code input field

See Back for County Code Listings

Date of Birth (MM/DD/YYYY)

Date of Birth input field

List Any Previous Names

List Any Previous Names input field

SEX: Male Female

SEX input fields

HEIGHT: ft in

HEIGHT input fields

EYE COLOR: SELECT ONE:

EYE COLOR selection options

HAIR COLOR: SELECT ONE:

HAIR COLOR selection options

RACE: Black White Other

RACE input fields

WEIGHT: lbs

WEIGHT input field

1. Place of Birth State or Country

Place of Birth input field

Mandatory: If you are 18 years of age or older, you must provide your Illinois Driver's License # or your State Identification #.

1a. Are you a United States citizen or a naturalized citizen? Yes No

1a. Yes/No input fields

If NO, you must provide your alien registration number or provide other proof of documentation.

(Alien # - Resident Alien Card/Permanent Resident Card) (Admission # Form I-94/I-94W)

Alien #

Alien # input field

Illinois Driver's License Number

Illinois Driver's License Number input field

OR Illinois State Identification Number

OR Illinois State Identification Number input field

ALL QUESTIONS MUST BE ANSWERED. FOR QUESTIONS ANSWERED YES, PROVIDE DETAILED DOCUMENTATION.

All definitions defined by the FOIA Act

- 2. Have you ever been convicted of a felony?
3. In the past 5 years, have you been a patient in any medical facility...
4. Are you addicted to narcotics?
5. Are you mentally retarded?
6. Are you subject to an existing order of protection...
7. Within the past 5 years, have you been convicted of battery, assault...
8. Have you ever been convicted of domestic battery...
9. Have you ever been adjudicated a delinquent minor...
10. Are you an alien who is unlawfully present in the United States?
11. Have you ever been adjudicated as a mental defective?

Optional Numbers

Social Security Number

Social Security Number input field

Area Code Daytime Phone Number

Area Code/Phone Number input fields

My signature authorizes the Illinois State Police to verify answers given with the Department of Human Services and any medical facility used for the care or treatment of mental illness. I hereby solemnly affirm that the information contained herein is true to the best of my knowledge. I consent to the use of my digital Illinois Driver's License or Illinois State Identification photo and signature. I understand that I am still required to submit a photo and signature with this application.

SIGNATURE REQUIRED (Please sign inside the box)

IF YOU ARE UNDER 21: The minor applicant and their parent or legal guardian must complete this section. The signature of the applicant's parent or legal guardian is required.

The parent or legal guardian giving the consent shall be liable for any damages resulting from the applicant's use of firearms or firearm ammunition.

- 1. Have you (the minor) ever been convicted of a misdemeanor other than a traffic violation?
2. Have you (the minor) ever been adjudged delinquent?
3. Are you (the minor) subject to a petition alleging you are a delinquent minor for the commission of an offense that if committed by an adult would be a felony?

Parent or Legal Guardian Information

Parent or Legal Guardian Information input fields

Parent/Guardian Last Name

Parent/Guardian Last Name input field

First Name

First Name input field

MI

MI input field

Date of Birth (MM/DD/YYYY)

Date of Birth input field

Male Female

Male/Female input fields

Illinois Driver's License or State ID#

Illinois Driver's License or State ID# input field

I hereby give my consent for this applicant to possess and acquire firearms and firearm ammunition. My signature authorizes the Illinois State Police to verify with the Department of Human Services and any medical facility used for the care or treatment of mental illness that I should not be prohibited from holding a Firearm Owner's Identification Card. I declare the above statements are true and accurate.

Signature of Parent/Legal Guardian Required

COUNTY CODE INDEX TABLE

County	Code	County	Code	County	Code	County	Code	County	Code
Adams	ADAM	DuPage	DUPA	JoDaviess	JODA	McLean	MCLE	Scott	SCOT
Alexander	ALEX	Edgar	EDGA	Johnson	JOHN	Menard	MENA	Shelby	SHEL
Bond	BOND	Edwards	EDWA	Kane	KANE	Mercer	MERC	Stark	STAR
Boone	BOON	Efingham	EFFI	Kankakee	KANK	Monroe	MONR	St. Clair	STCL
Brown	BROW	Fayette	FAYE	Kendall	KEND	Montgomery	MONT	Stephenson	STEP
Bureau	BURE	Ford	FORD	Knox	KNOX	Morgan	MORG	Tazewell	TAZE
Calhoun	CALH	Franklin	FRAN	Lake	LAKE	Moultrie	MOUL	Union	UNIO
Carroll	CARR	Fulton	FULT	LaSalle	LASA	Ogle	OGLE	Vermilion	VERM
Cass	CASS	Gallatin	GALL	Lawrence	LAWR	Peoria	PEOR	Wabash	WABA
Champaign	CHAM	Greene	GREE	Lee	LEE	Perry	PERR	Warren	WARR
Christian	CHRI	Grundy	GRUN	Livingston	LIVI	Piatt	PIAT	Washington	WASH
Clark	CLAR	Hamilton	HAMI	Logan	LOGA	Pike	PIKE	Wayne	WAYN
Clay	CLAY	Hancock	HANG	Macoupin	MACO	Rope	POPE	White	WHIT
Clinton	CLIN	Hardin	HARD	Macoupin	MACU	Pulaski	PULA	Whiteside	WHIS
Coles	COLE	Henderson	HEND	Madison	MADI	Putnam	PUTN	Will	WILL
Cook	COOK	Henry	HENR	Marion	MARI	Randolph	RAND	Williamson	WILM
Crawford	CRAW	Iroquois	IROQ	Marshall	MARS	Richland	RICH	Winnebago	WINN
Cumberland	CUMB	Jackson	JACK	Masson	MASO	Rock Island	ROCK	Woodford	WOOD
DeKalb	DEKA	Jasper	JASP	Massac	MASS	Saline	SALI		
DeWitt	DEWI	Jefferson	JEFF	McDonough	MCDO	Sangamon	SANG		
Douglas	DOUG	Jersey	JERS	McHenry	MCHE	Schuyler	SCHU		

Please use the table to the right for selecting the four letter County Code for your county of residence.

Then enter the four letter code in the four boxes located on the reverse side of this application identified as County Code.

(See reverse side of this form)

Note: Any person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois state statute or by federal law is ineligible for a FOID card.

Please allow 30 days for processing and delivery of your Firearm Owner's Identification Card.

Printed by the Authority of the State of Illinois



With this application you must include:

- Photograph
- FOID Fee - \$10.00
- Signature

Mail To:
Illinois State Police - FOID
Post Office Box 19233
Springfield, IL 62794-9233

Commission on Accreditation for Law Enforcement Agencies



Internet Address <http://www.isp.state.il.us>
 Customer Service Telephone: 217-782-7980
 (For Hearing Impaired only TDD 1-800-255-3323)

ISP Central Printing Section
 Printed on Recycled Paper
 ISP 6-181 (3/10)
www.illinois.gov



Paperclip Check or Money Order Here
DO NOT SEND CASH



ILLINOIS STATE POLICE

APPLICATION FOR FIREARM OWNER'S IDENTIFICATION CARD

WARNING: Entering false information on an application for a Firearm Owner's Identification Card is punishable as a Class 2 felony in accordance with subsection (d-5) of Section 14 of the Firearm Owner's Identification Card Act.

Official Use Only

Official Use Only box

Remit exactly \$10.00 in check or money order payable to FOID. THIS FEE IS NONREFUNDABLE

Personal information fields: Last Name, First Name, M. Initial, Suffix, Mailing Address, Apt. #, City/Town, State, Zip Code, County Code, Date of Birth, List Any Previous Names

Tape EXACT SIZE Photo Here Face Up 1 1/4" by 1 1/2" Head and Shoulders only

Physical characteristics: SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, HAIR COLOR

1. Place of Birth, Mandatory: If you are 18 years of age or older, you must provide your Illinois Driver's License # or your State Identification #.

ALL QUESTIONS MUST BE ANSWERED. FOR QUESTIONS ANSWERED YES, PROVIDE DETAILED DOCUMENTATION.

11. Have you ever been adjudicated as a mental defective? (Table with Yes/No columns)

SIGNATURE REQUIRED (Please sign inside the box), Social Security Number, Area Code, Daytime Phone Number

IF YOU ARE UNDER 21: The minor applicant and their parent or legal guardian must complete this section. Parent or Legal Guardian Information, Consent form for minors

COUNTY CODE INDEX TABLE

County	Code	County	Code	County	Code	County	Code	County	Code
Adams	ADAM	DuPage	DUPA	JoDaviess	JODA	McLean	MCLE	Scott	SCOT
Alexander	ALEX	Edgar	EDGA	Johnson	JOHN	Menard	MENA	Shelby	SHEL
Bond	BOND	Edwards	EDWA	Kane	KANE	Mercer	MERC	Stark	STAR
Boone	BOON	Effingham	EFFI	Kankakee	KANK	Monroe	MONR	St. Clair	STCL
Brown	BROW	Fayette	FAYE	Kendall	KEND	Montgomery	MONT	Stephenson	STEP
Bureau	BURE	Ford	FORD	Knox	KNOX	Morgan	MORG	Tazewell	TAZE
Calhoun	CALH	Franklin	FRAN	Lake	LAKE	Moultrie	MOUL	Union	UNIO
Carroll	CARR	Fulton	FULT	LaSalle	LASA	Ogle	OGLE	Vermilion	VERM
Cass	CASS	Gallatin	GALL	Lawrence	LAWR	Peoria	PEOR	Wabash	WABA
Champaign	CHAM	Greene	GREE	Lee	LEE	Perry	PERR	Warren	WARR
Christian	CHRI	Grundy	GRUN	Livingston	LIVI	Piatt	PIAT	Washington	WASH
Clark	CLAR	Hamilton	HAMI	Logan	LOGA	Pike	PIKE	Wayne	WAYN
Clay	CLAY	Hancock	HANC	Macon	MACN	Rope	POPE	White	WHIT
Clinton	CLIN	Hardin	HARD	Macoupin	MACU	Pulaski	PULA	Whiteside	WHIS
Coles	COLE	Henderson	HEND	Madison	MADI	Putnam	PUTN	Will	WILL
Cook	COOK	Henry	HENR	Marion	MARI	Randolph	RAND	Williamson	WILM
Crawford	CRAW	Iroquois	IROQ	Marshall	MARS	Richland	RICH	Winnebago	WINN
Cumberland	CUMB	Jackson	JACK	Mason	MASO	Rock Island	ROCK	Woodford	WOOD
DeKalb	DEKA	Jasper	JASP	Massac	MASS	Saline	SALI		
DeWitt	DEWI	Jefferson	JEFF	McDonough	MCDO	Sangamon	SANG		
Douglas	DOUG	Jersey	JERS	McHenry	MCHE	Schuyler	SCHU		

Please use the table to the right for selecting the four letter County Code for your county of residence.

Then enter the four letter code in the four boxes located on the reverse side of this application identified as County Code.

(See reverse side of this form)

Note: Any person who is prohibited from acquiring or possessing firearms or firearm ammunition by any Illinois state statute or by federal law is ineligible for a FOID card.

Please allow 30 days for processing and delivery of your Firearm Owner's Identification Card.

Printed by the Authority of the State of Illinois



With this application you must include:

- Photograph
- FOID Fee - \$10.00
- Signature

Internet Address <http://www.isp.state.il.us>
 Customer Service Telephone: 217-782-7980
 (For Hearing Impaired only TDD 1-800-255-3323)

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www.illinois.gov



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APPENDIX E

Average Days for Private Hospitals and Nursing Homes to Report Mental Health Events to DHS –CY10

Appendix D
**AVERAGE DAYS FOR PRIVATE HOSPITALS AND NURSING HOMES TO REPORT
MENTAL HEALTH EVENTS TO DHS**

Admissions Occurring in Calendar Year 2010

Provider Name	Unduplicated Admissions	Average Days to Report
Abbott House	23	2.0
Adventist Glen Oaks Hospital	2,337	14.2
Adventist Hinsdale Hospital	738	13.2
Advocate Christ Medical Center	1,621	14.1
Advocate Good Samaritan Hospital	1,143	34.3
Advocate Lutheran General Hospital	1,287	10.8
Albany Care	113	43.3
Alden Lakeland	2	5.5
Alden Princeton Home	113	88.0
Alden Terrace of McHenry	23	116.7
Alden Wentworth Rehab	64	130.5
Alexian Brothers Behavioral Health Hospital	5,075	54.3
Alton Memorial Hospital	175	27.8
Bayside Terrace	57	59.5
Belmont Nursing Home	26	5.8
Blessing Hospital	1,599	10.9
Bourbonnais Terrace	132	47.0
Briar Place	80	16.5
BroMenn Regional Medical Center	597	10.6
Bryn Mawr Care	6	300.3
Centegra Memorial Medical Center	1,105	12.5
Central Dupage Hospital	735	13.8
Central Plaza Residential Home	127	83.6
Chicago Lakeshore Hospital	2,540	19.2
Children's Memorial Hospital	455	15.6
Clayton Residential Home	58	104.2
Decatur Manor Healthcare	97	9.9
Elmhurst Memorial Healthcare	744	4.8
Galesburg Cottage Hospital	267	15.1
Gateway Regional Medical Center	3,293	12.6
Good Shepherd Hospital	111	10.5
Gottlieb Memorial Hospital	209	21.3
Grasmere Place	139	23.6
Greenville Regional Hospital Sr Behavioral Health	192	21.6
Greenwood Care	57	105.5
Harrisburg Medical Center, Inc.	1,010	6.9
Heather Healthcare	275	19.3

Appendix D
**AVERAGE DAYS FOR PRIVATE HOSPITALS AND NURSING HOMES TO REPORT
MENTAL HEALTH EVENTS TO DHS**

Admissions Occurring in Calendar Year 2010

Provider Name	Unduplicated Admissions	Average Days to Report
Illinois Masonic Medical Center	1,390	13.0
Ingalls Memorial Hospital	1,188	8.9
Jackson Park Hospital and Medical Center	2,277	24.9
Kankakee Terrace LLC	12	69.7
Kankakee Terrace Operator, LLC	29	0.7
Kenneth Hall Regional Hospital	889	10.7
Kindred Hospital Chicago North	1,189	12.6
KSB Hospital	526	18.9
Lake Park Center	86	79.4
Lincoln Prairie Behavioral Health Center	1,300	30.3
Linden Oaks Hospital	3,870	40.7
Little Company of Mary Hospital	542	20.2
Loretto Hospital	1,177	13.9
Louis A. Weiss Memorial Hospital	315	18.9
Lydia Healthcare	153	68.2
MacNeal Hospital	1,727	2.8
Margaret Manor Central	318	53.4
Margaret Manor North	95	13.6
Maryville Academy - Scott Nolan Center	449	17.0
Memorial Medical Center	1,230	31.5
Mercy Hospital & Medical Center	1,255	16.7
Methodist Hospital of Chicago	1,457	14.7
Methodist Medical Center of Illinois	2,515	22.4
Monroe Pavilion Health Center	61	68.3
Mount Sinai Hospital	1,009	15.3
North Shore University Health System	1,645	10.3
Northwest Community Hospital	974	29.3
Northwestern Memorial Hospital	1,238	16.6
Norwegian American Hospital	1,600	23.6
Ottawa Regional Hospital and Healthcare Center	948	5.5
Palos Community Hospital	1,198	32.4
Provena Covenant Medical Center	874	15.6
Provena Mercy Medical Center	2,530	8.6
Provena Saint Joseph Hospital	1,196	10.7
Provena Saint Joseph Medical Center	1,402	33.2
Provena St Mary's Hospital	635	8.7
Rainbow Beach Care Center	131	38.5

Appendix D
**AVERAGE DAYS FOR PRIVATE HOSPITALS AND NURSING HOMES TO REPORT
MENTAL HEALTH EVENTS TO DHS**
Admissions Occurring in Calendar Year 2010

Provider Name	Unduplicated Admissions	Average Days to Report
Richland Memorial Hospital	536	8.8
Riveredge Hosital	2,747	21.9
Riverside Medical Center	1,372	12.0
Rockford Memorial Hospital	662	10.3
Rush University Medical Center	1,567	14.4
Sacred Heart Home	73	3.2
Saints Mary & Elizabeth Medical Center	4,736	16.3
Sarah Bush Lincoln Health Center	874	7.5
Sharon Health Care Woods	81	6.8
Silver Cross Hospital	724	5.9
Skokie Meadows Nursing Home	19	72.3
St Anthony Hospital - Chicago	447	15.8
St Bernard Hospital	1,549	23.8
St Elizabeth's Behavioral Healthcare Services	1,559	8.8
St John's Hospital	891	17.8
St Joseph Hospital	1,383	11.5
St Mary's Good Samaritan Hospital	639	9.1
St Mary's Hospital	1,548	11.8
Streamwood Behavioral Health Center	2,408	21.9
Swedish American Hospital	888	9.9
Swedish Covenant	1,070	10.5
The Pavilion	1,329	17.1
Thorek Hospital	833	14.9
Thornton Heights Terrace, LTD	29	101.7
Trinity Medical Center	1,414	12.1
UHS of Hartgrove Hospital	3,126	19.5
University of Illinois at Chicago Medical Center	1,080	25.5
Vista Medical Center	901	17.9
Westlake Hospital	814	3.9
Wilson Care	150	6.9
Wincrest Nursing Center	59	51.6
Totals	101,563	19.7
Source: Analysis of DHS data.		

APPENDIX F
Agency Responses



ILLINOIS STATE POLICE
Office of the Director

Pat Quinn
Governor

March 15, 2012

Hiram Grau
Director

Mr. William G. Holland
Auditor General
740 East Ash Street
Springfield, Illinois 62703-3154

Dear Auditor General Holland:

Attached are the Illinois State Police (ISP) responses to your agency's management audit of the ISP's administration of the Firearm Owners Identification Card Act recommendations.

Your staff may contact my office at 217.782.7263 with any questions or if further information is required. Thank you for providing the ISP with this opportunity to respond.

Respectfully,

A handwritten signature in cursive script that reads "Hiram Grau".

Hiram Grau
Director

801 South Seventh Street • Suite 1100-S
P.O. Box 19461
Springfield, IL 62794-9461
(217) 782-7263 (voice) • 1 (800) 255-3323 (TDD)
www.illinois.gov • www.isp.state.il.us

MANAGEMENT AUDIT OF THE FIREARM OWNERS IDENTIFICATION CARD ACT

RECOMMENDATION NUMBER 1:

The Department of State Police should:

- *Update its FOID Program Policy and Procedures Manual;*
- *Provide and document formal training to its Firearms Services Bureau staff; and*
- *Update its administrative rules relating to the Firearm Owner's Identification Card Act*

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. The Firearms Services Bureau has already identified ways to address this recommendation. The Department has drafted administrative rule changes for the Legal Office's review and submission.

RECOMMENDATION NUMBER 2:

The Department of State Police should work with Circuit Courts and Circuit Clerks to ensure that the necessary prohibiting mental health information is submitted to ISP, as required by the Firearm Owner's Identification Card Act, so it can be used by ISP in the FOID eligibility process, as well as submitted to the FBI's National Instant Criminal Background Check System.

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. The Department has been in contact with the Illinois Administrative Office of the Courts for assistance in communicating with the Courts and Clerks. The Department is planning to speak at an upcoming meeting of the Clerks in April 2012. Also, the Department is partnering with the Attorney General's Office in drafting a letter to the Clerks explaining the requirement and how best to communicate with the Department. A legislative change, HB 4456, has also been introduced in the 97th General Assembly to further clarify the Clerks' role in reporting prohibiting mental health information to the FOID program.

RECOMMENDATION 3:

The Department of State Police and the Department of Human Services should work with hospitals, nursing homes, clinicians and other entities required to report prohibiting mental health information to the DHS-FOID system, to ensure that: all required reports are filed; the information is timely, complete and accurate; and voluntary and involuntary admissions are differentiated.

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. Our communication with the Department of Human Services has greatly improved over the last several months. Through a NICS Act Record Improvement Program (NARIP) grant, the Illinois State Police (ISP) is providing the Department of Human Services (DHS) with technical programming consultants to implement improvements in the DHS Clinical FOID System, adding functionality to collect data from state and private institutions and clinicians and to streamline the reporting of that data to the ISP.

RECOMMENDATION 4:

The Department of State Police should ensure that information reported to the National Instant Criminal Background Check System (NICS) is submitted completely, accurately, and timely, and should update it as necessary. The Department should work with DHS to identify individuals with NICS prohibitors prior to June 2008, and should report them to NICS as required.

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. The Department of Human Services and Illinois State Police serve as a pass through for the data when entered by hospitals and nursing homes. We do not feel it is appropriate to correct data that does not belong to our agency. However, for the small number of instances when ISP enters information to be submitted to NICS, a quality assurance program will be developed to ensure the information submitted is accurate. The DHS has recently identified an additional 19,000 records for submission to NICS. The Department's technical team is currently running transmission tests on the data.

RECOMMENDATION 5:

The Department of State Police should amend its FOID application process, as it relates to minor applicants, to meet the requirements found in the Firearm Owner's Identification Card Act (430 ILCS 65/4).

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. The Department is in the process of revising the FOID application to include an affidavit as required in the Act. The Department, however, does not believe the parent or legal guardian is required by the Act to answer the questions provided for the applicant on the FOID application. The Department is able to determine the parent's or legal guardian's firearm eligibility as the Act states without the questions being answered. The Department will take this under consideration as the revisions of the FOID application are finalized.

Auditor Comment #1

ISP requires applicants to answer all questions on the FOID card application so ISP can determine eligibility. Consequently, it seems reasonable that ISP would have the minor's parent or legal guardian provide the same information that is required from any applicant.

RECOMMENDATION 6:

The Department of State Police should:

- *work with its vendor to ensure the FOID cards are forwarded to the correct mailing address; and*
- *ensure that it has enough Customer Service Representatives to answer the questions of FOID card applicants.*

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. The Department learned that the envelope being used by the card vendor was not allowing the U.S. Post Office to forward the FOID cards when a forwarding address was on file.

The Firearms Services Bureau has already worked with the card vendor to change the outer envelope the cards are mailed in so the U.S. Post Office can forward the cards when appropriate. Also, if a FOID card is returned to the FOID office and the Department can determine a forwarding address, the Department will repackage the FOID card and mail the card to the applicant's new address. However, in accordance to the FOID Act 430 ILCS 65/13.2, which states it is the applicant's responsibility to notify the Department of an address change, coupled with the current staffing limitations, the FOID office will not make any further attempts to locate the applicant.

Due to the current fiscal crisis in the state of Illinois, the Illinois State Police like many other agencies, is limited within its budget and personnel resources. Currently, the FOID office has twenty-one customer service lines, but depending on the shift, only two to four customer service representatives are available to answer the calls. On any given day, up to eighty-five percent of the calls are dropped or not answered by a customer service representative. We agree this high percentage of dropped calls is not acceptable. The FOID office is continuing to look at technological advances that may assist applicants with their FOID questions more timely.

RECOMMENDATION 7:

The Department of State Police should determine whether it has the statutory authority to issue FOID cards to out-of-state applicants, and if so, develop clear guidance over the process used to determine eligibility.

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. The Department plans to introduce legislation to further clarify the residency requirements of a FOID card applicant and provide for exemptions for individuals who reside outside the state of Illinois, but have employment within the state of Illinois requiring a FOID card.

RECOMMENDATION 8:

Since existing management controls over FOID card processing timeliness do not identify applications that are not approved or denied until after the 30 day requirement, the Department of State Police should establish additional management controls to identify FOID applications that are not being processed timely.

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. The Department is currently examining additional ways to monitor turnaround time. The Firearms Services Bureau currently uses a management tool called the "Jeopardy Report." The "Jeopardy Report" lists FOID applications that have been in the queue for thirty days or more. The "Jeopardy Report" will be changed to hit on applications at the point of twenty-five days old rather than the current setting of thirty days old.

RECOMMENDATION 9:

The Department of State Police should maintain procurement documentation and ensure that it is available for review as required by the Illinois Procurement Code.

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. The contracts in question are five years old. It is unclear to the Department what the length of time is for retaining this information. The Illinois Procurement Code appears to be silent in this regard as well as where in the agency the records should be kept. The move from

the Armory building to the Franklin Life building further exacerbated the file location problems identified, as well as the transfer of the Department's State Purchasing Officer to the Executive Ethics Commission. This was in accordance with 30 ILCS 500/10-10.

RECOMMENDATION 10:

The Department of State Police should ensure that FOID cards are approved or denied within 30 days from the date received as required by 430 ILCS 65/5.

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. As many state agencies have experienced budget reductions along with a cut in personnel, the Firearms Services Bureau is looking for technical advancements to assist with more efficient processing of FOID cards. In addition, the number of FOID applications received by the Bureau was at record levels throughout the audit period, and the volume of FOID applications continues to increase. The Department intends to apply for the FFY12 NARIP grant to complete Phase II of a FOID system rewrite.

RECOMMENDATION 11:

The Department of State Police should ensure FOID card program numbers it reports in its Annual Report are accurate and reliable.

DEPARTMENT OF STATE POLICE RESPONSE:

We concur in part. The method the Department uses in reporting its numbers in the Annual Report is through an application that was not built for this type of reporting. We do not believe our numbers are inaccurate as stated, but instead believe our methodology is different, not wrong. The system runs monthly reports based on activity of the FOID operators. For example, an operator may code a denial on one application two different times for different reasons; the Auditor General stripped out any actions they saw as 'duplicate.'

RECOMMENDATION 12:

The Department of State Police should evaluate its staffing needs and determine whether it should hire additional staff to assist with the FOID card process instead of supplementing staff hours through the use of costly overtime. Additionally, ISP should review and strengthen its controls over the request for overtime payment.

DEPARTMENT OF STATE POLICE RESPONSE:

We concur. Although the Department believes technical advancements with a FOID system rewrite will be helpful, further evaluation concerning current staffing is warranted given the record influx in applications and gun purchases. However, the Department anticipates that in mid-2013, there will be a significant decrease in the renewal of FOID cards due to the change from a 5-year card to a 10-year card. The Department is hopeful this will help in alleviating some of the staffing pressures currently placed on the Bureau. In regards to overtime payment, the Department has been made aware of three instances in which overtime was submitted in duplicate. This was due to a supervisor out on medical leave, and the employee resubmitting the same overtime request to another supervisor in the Bureau. This was immediately caught by the Bureau Timekeeper and corrected before submitted for payment. The Department believes the system worked appropriately in these three instances. However, the Department does agree controls should be strengthened for the process of approving overtime and the documentation of the work performed.



Pat Quinn, *Governor*

Illinois Department of Human Services

Michelle R.B.Saddler, *Secretary*

100 South Grand Avenue, East • Springfield, Illinois 62762
401 South Clinton Street • Chicago, Illinois 60607

Mr. Scott Wahlbrink
Performance Audit Manager
Office of the Auditor General
Iles Park Plaza
740 East Ash
Springfield, IL 62703-3154

Dear Mr. Wahlbrink:

Following is the response for the draft report of the recommendations assigned to the Department of Human Services as a result of the SFY2011, Office of the Auditor General audit of the Firearm Owner's Identification Card Act:

Recommendation #3: The Department of State Police and the Department of Human Services should work with hospitals, nursing homes, clinicians and other entities required to report prohibiting mental health information to the DHS-FOID system, to ensure that: all required reports are filed; the information is timely, complete and accurate; and voluntary and involuntary admissions are differentiated. In addition, ISP should review its controls to ensure that all mental health matches sent by DHS are properly worked by eligibility staff

Department Response: We agree. DHS MIS is adding necessary fields to the DHS-FOID system that will allow the users (hospitals, nursing homes and other entities) to report the voluntary/involuntary designation for patient admissions. Once the necessary fields are added to DHS-FOID system, a notification will be sent to the users explaining the new requirements for reporting the information.

Recommendation #4: The Department of State Police should ensure that information reported to the National Instant Criminal Background Check System is submitted completely, accurately, timely, and should update it as necessary. The Department should work with DHS to identify individuals with NICS prohibitors prior to June 2008 and should report them to NICS as required.

Page 2

Mr. Scott Wahlbrink

Department Response: We agree. DHS-MIS Clinical Unit has notified the Illinois State Police that the Department has additional records for the National Instant Criminal Background Check System (NICS) dated back to 1980 and going to present. The Illinois State Police is currently reviewing the sampling of records sent to them by DHS and will be contacting DHS for the entire file if the records are acceptable.

In addition, DHS MIS is adding necessary fields to the DHS-FOID system that will allow the users (hospitals, nursing homes and other entities) to submit the physical description of patient as required. Once the necessary fields are added to DHS-FOID system, a notification will be sent to the users (hospitals, nursing homes, clinicians and other entities) informing them of the new requirements for reporting the information.

If you have any questions, please contact Albert Okwuegbunam, Bureau Chief, Audit Liaisons at 2171785-7797.

Sincerely,

Handwritten signature of Michelle R.B. Saddler in cursive, with the initials "JAS" written below it.

Michelle R.B. Saddler
Secretary

cc: Lorrie Rickman-Jones, Director, Office of Mental Health
Jim Hobbs, Director, Office of Clinical, Administrative and Program Support
Carol Kraus, Chief Financial Officer
Patrick Knepler, Bureau of System Support, Office of Mental Health
Michael Layden, Acting Director, Office of Fiscal Services
Albert Okwuegbunam, Bureau Chief, Audit Liaisons