



COPY

ILLINOIS STATE POLICE  
*Office of the Director*

Pat Quinn  
*Governor*

Hiram Grau  
*Director*

CERTIFICATE OF EMERGENCY AMENDMENTS

The Department of State Police certifies that the attached is a true and correct copy of:

Heading of Part: Firearm Concealed Carry Act Procedures

Code Citation: 20 Ill. Adm. Code 1231

Sections Involved: 1231.200  
1231.210  
1231.220  
1231.230  
1231.240  
1231.250  
1231.260

which was duly amended by Emergency rulemaking by this agency.

Reason for Emergency: These emergency amendments are being filed in an effort to strengthen the statutory framework of the Firearm Concealed Carry Act and address concerns raised in pending litigation. Since April 2014, the Department and the Concealed Carry Licensing Review Board (CCLRB) have received in excess of 200 petitions for review of CCLRB denials. In addition, CCLRB members have been named in federal and state lawsuits in which plaintiffs are seeking injunctive relief. It is anticipated that the volume of litigation will continue until the statutory framework is bolstered by a regulatory process.

Statutory Citations: 430 ILCS 66

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

Hiram Grau  
Director

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT  
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1231  
FIREARM CONCEALED CARRY ACT PROCEDURES

SUBPART A: DEFINITIONS

Section  
1231.10 Definitions

SUBPART B: INSTRUCTOR AND CURRICULUM APPROVAL

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1231.200 Meetings of the CCLRB  
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1231.230 Consideration of Objections

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1231.240 Hearings of the CCLRB

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1231.250 Decisions of the CCLRB

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1231.260 Reporting of the CCLRB

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1231.APPENDIX A Prohibited Area Posting

1231.APPENDIX B Prior Training Credit

1231.APPENDIX C Concealed Carry Firearm Training Certification Form (Repealed)

**AUTHORITY:** Implements the Firearm Concealed Carry Act [430 ILCS 66] and authorized by Section 95 of that Act.

**SOURCE:** Adopted by emergency rulemaking at 37 Ill. Reg. 15146, effective August 30, 2013, for a maximum of 150 days; adopted at 38 Ill. Reg. 2322, effective December 31, 2013; emergency amendment at 38 Ill. Reg. 9703, effective April 16, 2014, for a maximum of 150 days; emergency amendment at 38 Ill. Reg. \_\_\_\_\_, effective July 10, 2014, for a maximum of 150 days.

## SUBPART E: CONCEALED CARRY LICENSING REVIEW BOARD (CCLRB)

**Section 1231.200 Meetings of the CCLRB  
EMERGENCY**

- a) Commissioners may attend any meeting of the CCLRB either in person, telephonically, or electronically (including via video conference) called at the request of the Chairperson, as often as reasonably necessary to satisfy the CCLRB's obligations under the Act.
- b) Whenever practicable, the Chairperson shall give CCLRB commissioners a minimum of five calendar days advance notice prior to the date of a meeting.
- c) Commissioners shall have access to the electronic computer database established for the purpose of reviewing and voting on objections prior to the call of a meeting. All votes cast by the commissioners prior to the Chairperson entering a final disposition will be counted.
  - 1) Commissioners, either in person, telephonically, or electronically (including via video conference), for any meeting called by the Chairperson, may vote by submitting their vote at the time of the meeting to the Chairperson utilizing the electronic computer database established for this purpose.
  - 2) In the event of a tie vote brought about due to absence or abstention of a CCLRB member, the CCLRB will request another 30 days to reconsider the objection as well as requesting any additional information necessary to resolve a tie vote.
- d) The Chairperson of the CCLRB shall preside over all meetings.
- e) If the Chairperson is unable to preside over a meeting, the Chairperson shall appoint a CCLRB commissioner to serve as Acting Chairperson.
  - 1) In the event that the Chairperson is unable to select his or her Acting Chairperson, the selection shall be made by majority vote of the remaining CCLRB commissioners.
  - 2) No CCLRB commissioner shall remain Acting Chairperson for a period longer than 30 days.
- f) Unless otherwise directed by the Chairperson of the CCLRB, individuals outside the Department seeking to provide information to the CCLRB regarding an

applicant shall not communicate with individual CCLRB commissioners. If any CCLRB commissioner receives any information regarding an applicant from a source other than the Department, such information shall be promptly forwarded to the Chairperson of the CCLRB and shall not be considered or reviewed by individual commissioners.

(Source: Added by emergency rulemaking at 38 Ill. Reg. \_\_\_\_\_, effective July 10, 2014, for a maximum of 150 days)

**Section 1231.210 Conflicts of Interest  
EMERGENCY**

- a) No commissioner of the CCLRB, including the Chairperson, shall participate in any CCLRB business, including but not limited to voting, when that CCLRB commissioner has a conflict of interest.
- b) For the purposes of this Section, whether or not a CCLRB commissioner has a conflict of interest shall be determined by the following guidelines:
  - 1) A commissioner has a conflict of interest in a matter if the commissioner's interest, either through business, investment, personal relationship, or family, reasonably creates the appearance of impropriety in the performance of his or her duties on the CCLRB.
  - 2) Such circumstances include, but are not limited to, the following:
    - A) using public office for direct or indirect private gain;
    - B) giving preferential treatment to any organization or person;
    - C) losing independence or impartiality of action;
    - D) making a government decision outside official channels; or
    - E) otherwise adversely affecting the confidence of the public in the integrity of the CCLRB.
- c) Disclosure - Prior to the CCLRB taking any action on a matter in which a commissioner has or may have a conflict of interest, the interested CCLRB commissioner shall disclose that interest to the other commissioners.
- d) Determination of Conflict of Interest - A CCLRB commissioner may use any one of the following procedures to determine whether his or her own interest or the interest of another commissioner constitutes a conflict of interest:
  - 1) The commissioner may request a determination from the CCLRB's Executive Director, who shall promptly render an opinion to the CCLRB; or
  - 2) The commissioner may ask the CCLRB to determine whether the interest constitutes a conflict of interest.

- A) The CCLRB shall ask the commissioner with the potential conflict of interest to leave the meeting during any discussion or deliberation regarding whether a conflict of interest exists.
  - B) A majority of the non-interested CCLRB commissioners present at a meeting at which a quorum is present shall determine whether a conflict of interest exists.
  - C) The interested commissioner shall be counted for purposes of determining whether a quorum is present, but shall not participate in the deliberations or vote regarding whether a conflict of interest exists.
- e) Prior to any determination of a conflict of interest and even if, after a determination, a conflict of interest is found not to exist, the reporting CCLRB commissioner may indicate his or her decision to abstain from any CCLRB action regarding the matter as to which the potential conflict of interest exists and, where appropriate, to absent himself or herself from any CCLRB discussion and determination of the pending matter.
- f) Procedure When Conflict of Interest Determined - Upon either the Executive Director's or the CCLRB's determination that a conflict of interest exists, the commissioner with the conflict of interest shall not participate in the CCLRB's discussion and determination of the matter. In addition, where appropriate, the commissioner with the conflict of interest shall absent himself or herself from any such deliberations and determinations.

(Source: Added by emergency rulemaking at 38 Ill. Reg. \_\_\_\_\_, effective July 10, 2014, for a maximum of 150 days)

**Section 1231.220 Department Liaison to CCLRB  
EMERGENCY**

- a) Pursuant to Section 15 of the Act, the CCLRB shall serve to review objections by law enforcement agencies independent of the Department, and the Department shall not in any way influence the vote of the CCLRB.
- b) The Department shall designate an employee to provide logistical and administrative assistance only regarding the electronic computer database established for recording votes regarding objections as may be required or requested by the CCLRB Executive Director.

(Source: Added by emergency rulemaking at 38 Ill. Reg. \_\_\_\_\_, effective July 10, 2014, for a maximum of 150 days)



**Section 1231.230 Consideration of Objections  
EMERGENCY**

- a) The CCLRB will review all objections presented by local law enforcement agencies or the Department. In its review of objections, the CCLRB shall consider only the following information:
  - 1) any material properly submitted by the objecting local law enforcement agency or the Department pursuant to Section 15 of the Act;
  - 2) any material properly submitted by the applicant; and
  - 3) any additional information requested by the CCLRB or CCLRB staff from law enforcement agencies or applicants.
- b) Either the CCLRB staff or the CCLRB, by a vote of at least four commissioners, may request additional information from the objecting law enforcement agency, the Department, or the applicant.
  - 1) If the applicant has not previously submitted electronic fingerprints to the Department and there is a question whether the objection pertains to the applicant, which the submission of electronic fingerprints may resolve, the applicant shall be required to do so within 30 days of receipt of a request by the CCLRB or CCLRB staff.
  - 2) If the applicant or law enforcement does not provide the information as requested by the CCLRB or CCLRB staff within the timeframe allotted by statute, the CCLRB will enter a final disposition based solely on consideration of the information already properly submitted.
- c) The CCLRB, by a vote of at least four commissioners, may request testimony at a hearing from a representative of the objecting law enforcement agency, from a representative of the Department, or from the applicant; however, hearings shall be limited to circumstances that cannot be resolved through written communication with the parties.
- d) If the CCLRB votes to hold a hearing on the objection, the CCLRB shall notify the applicant and the objecting party in writing of the need for, as well as date, time, and location, of the hearing.
- e) Upon a determination that an objection appears sustainable on its face or in light of any information the CCLRB has obtained pursuant to Subsection 1231.230(b) or (c), the CCLRB shall send the applicant notice of the objection, including the

basis of the objection and the agency submitting the objection, within ten calendar days of determining that an objection is sustainable. This determination of a sustainable objection shall not be considered a final administrative decision and shall not be reported to the Department.

- 1) The applicant shall have ten days from the date of mailing of the notice to the applicant to submit any additional material that the applicant wants the CCLRB to consider in response to the objection.
- 2) Once the time for submitting additional information and fingerprints has passed, the CCLRB shall not consider any additional information received.
- 3) Unless it is determined that a hearing is necessary pursuant to Subsection 1231.230(c), the objection shall be considered, along with any additional information received, at the next meeting held at the call of the Chairperson. If a hearing is held, then the objection shall be considered following the hearing.

(Source: Added by emergency rulemaking at 38 Ill. Reg. \_\_\_\_\_, effective July 10, 2014, for a maximum of 150 days)

**Section 1231.240 Hearings of the CCLRB  
EMERGENCY**

- a) Hearings of the CCLRB may be conducted by video, in person, telephonically, or by other electronic means and shall be recorded.
- b) The CCLRB shall determine the date, time, method and when applicable, the location of any hearing. The CCLRB shall make reasonable efforts to hold the hearing at a date, time, and location (when applicable) convenient to all parties.
- c) The Chairperson or Acting Chairperson of the CCLRB shall preside over the hearing.
- d) Any testimony requested by the CCLRB shall be under oath or affirmation.
- e) Applicants and law enforcement agencies requested to participate in hearings of the CCLRB may be represented by counsel and present evidence relating to the local law enforcement or Department objection. Hearings shall be closed to the public.
- f) The procedures for admissibility of evidence shall be as described in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art.10], and as ordered by the Chairperson or Acting Chairperson of the CCLRB.
- g) Deliberations of the CCLRB, upon conclusion of a hearing held pursuant to this Section, shall be held in executive session without the applicant or other participants in the hearing present and shall not be subject to either the Open Meetings Act or the Freedom of Information Act.
- h) No later than 35 days from the date of any final administrative decision by the CCLRB concerning eligibility for a license, the applicant may make a written request to the CCLRB for a transcript of the recording made at the hearing.
  - 1) The cost of transcription shall be the responsibility of the applicant.
  - 2) Fees shall not exceed the actual cost for the preparation of the transcript.
  - 3) The record need not be transcribed unless the CCLRB receives a written request and fee from the applicant in accordance with this Section.

(Source: Added by emergency rulemaking at 38 Ill. Reg. \_\_\_\_\_, effective July 10, 2014, for a maximum of 150 days)

**Section 1231.250 Decisions of the CCLRB  
EMERGENCY**

- a) The CCLRB shall make a record, electronically or by other reliable means, of the final votes of its commissioners during meetings held at the call of the Chairperson.
- b) Upon a vote to overrule an objection, the CCLRB shall send the Department notice of its decision that the applicant does not pose a danger to himself or herself or others and is not a threat to public safety via an electronic transmission using the electronic computer database established for recording votes to objections.
- c) If upon consideration of an objection, along with any information obtained pursuant to Section 1231.230, the CCLRB determines by a preponderance of the evidence that the applicant poses a danger to himself or herself, or to others, or is a threat to public safety, and is therefore ineligible for a license, the CCLRB shall notify both the applicant and the Department via an electronic transmission using the electronic computer database of its determination. The CCLRB shall make a record of the basis for its finding that the applicant is ineligible for a license.
- d) Upon electronic transmission to the Department of a final decision by the CCLRB that an applicant is ineligible for a license under 430 ILCS 66/20, the CCLRB decision shall be final and subject to judicial review pursuant to Section 1231.170 of this Part.

(Source: Added by emergency rulemaking at 38 Ill. Reg. \_\_\_\_\_, effective July 10, 2014, for a maximum of 150 days)

**Section 1231.260 CCLRB Reporting  
EMERGENCY**

Pursuant to Section 20(i) of the Act, the CCLRB shall report monthly to the Governor and to the General Assembly the following information:

- a) the number of objections it has received;
- b) the number of objections it has affirmed; and
- c) the number of times a decision to deny an applicant a license was because the applicant poses a danger to himself or herself, the applicant poses a danger to others, and the applicant poses a threat to public safety.

(Source: Added by emergency rulemaking at 38 Ill. Reg. \_\_\_\_\_, effective July 10, 2014, for a maximum of 150 days)