

Mandatory ISP Compliance for Suspended and Revoked FOID Cards

By – John Krupa III (Updated – December 3, 2023)

Over the years I've worked as an expert witness and consultant with various law firms and private attorneys on firearms industry related cases, private gun owner rights cases and use of deadly force related cases.

The various cases I've worked on regarding Firearm Owner Identification Card (FOID) law ranged from firearms being transferred or surrendered to law enforcement due to FOID cards being expired or cancelled, to situations where firearms were confiscated due to FOID cards being suspended or revoked.

The Illinois State Police (ISP) is not playing around when it comes to your FOID card getting suspended or revoked. The ISP is sending out revocation letters immediately, ordering firearm owners to surrender their FOID card to their local LE agency within the prescribed 48 hours of receiving notice and to complete a firearm disposition form, identifying all firearms owned by the affected person.

Failure to comply can result in criminal charges and / or a search warrant being executed by your local LE agency or the ISP to confiscate any firearms they discover are still in your possession by using the gun owners Firearm Transfer Inquiry Program (FTIP) transaction records.

If you lose your FOID card due to criminal charges or any of the violations listed under the Clear and Present Danger guidelines, your firearm ownership rights will be revoked by the ISP until you get your FOID card reinstated. During this time, you basically have (3) options to legally dispose of your firearms within 48 hours of notification;

- 1 – Surrender your firearms to your local LE agency.
- 2 – Transfer your firearms to another person that has a valid FOID card.
- 3 – Transfer your firearms to a federally licensed firearms dealer.

Subsequent to the Aurora, IL. shooting incident in 2019, the ISP immediately implemented a new Firearm Disposition Record report system. This system requires local LE agencies to report to the ISP within (7) days of receiving a firearms disposition record; what firearms are owned by the person that had their FOID card revoked as well as the disposition of each firearm that was surrendered or transferred.

I have attached a blank copy of the ISP Firearm Disposition Record that the revoked gun owner is required to complete and submit to their local LE agency within 48 hours of being notified of revocation. This form is then sent to the ISP with the surrendered FOID card.

Should your FOID card become suspended or revoked, I strongly recommend transferring your firearm collection to an FFL dealer as soon as you receive notification from the ISP.

The conflicting rules here state that the ISP is requiring you to comply with reporting the disposition of the firearms you own to your local LE agency within 48 hours of notification, yet the FOID law requires you to wait 72 hours before you can legally deliver those firearms via person-to-person transfer!

By using an FFL dealer to secure your collection, there is no waiting period to transfer your firearms to an FFL and you can coordinate transfers from your FFL dealer to other people that have a valid FOID card.

DO NOT USE the Person-to-Person transfer portal on the ISP website as they now ask for make, model and serial number of the firearms being transferred, thus, creating a record of registration with the ISP. Don't do that!

Remember – the burden of proof is on you to demonstrate to an LEO; documentation of legal transfer and compliance with the 72 hour waiting period. Failure to comply will most likely result in criminal charges for failing to conduct the lawful transfer of a firearm under the FOID law standards.

Ignorance of not knowing the FOID law is NOT a valid legal defense. Know the law and have a good attorney on-call that knows how to handle situations like this.

I hope this information was helpful.

Stay safe. – Krup

Bio – John is a police officer with over 32 years of experience in law enforcement. He has worked dozens of criminal and civil cases as an expert consultant and expert witness and holds the rating of distinguished weapons expert with the Department of Homeland Security. He is a certified Master Firearms Instructor (ILETSB) and Certified Firearms Specialist with the IFSA. John is also a nationally recognized firearms training expert and has presented as a guest instructor at various LE training conferences across the country, including; ASLET, IALEFI and ILEETA.

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ILLINOIS STATE POLICE
FOID CARD & FIREARM DISPOSITION RECORD

FOID Card #: _____

NAME: _____
Last Name, First Name, Middle Name

DATE OF BIRTH: _____ / _____ / _____
Month Day Year

ADDRESS: _____

PHONE: (_____) _____ - _____

EMAIL: _____

Your FOID Card has been revoked or suspended. **Within 48 hours of receiving notice of the revocation/suspension**, the Firearm Owners Identification Card Act (430 ILCS 65/9.5; 20 Ill. Adm. Code 1230.50(a)(2)) requires you to:

- (1) **Surrender your FOID Card**
 - a. Revoked Cards are to be surrendered to the local law enforcement agency where you reside or the Dept. of State Police
 - b. Suspended Cards may also be surrendered to the person listed on this form;
- (2) **TRANSFER ALL FIREARMS IN YOUR POSSESSION OR CONTROL** – as indicated on the form;
- (3) **Complete this Record**; and
- (4) **Email a copy of this completed form to: ISP.FDR.FormReturn@illinois.gov** (Retain a Copy).

Directions:

- Please complete the form in its entirety, list all firearms in your possession at the time of revocation/suspension, and indicate to whom they have been transferred.
- If you do not have any weapons in your possession, please mark **“No Weapons”** on line 1 - sign at the bottom.
- **You must complete the Required Certification on Page 2**, regardless of whether you list weapons on that page.
- If weapons are transferred to more than one person, complete a new page for each person to whom weapons are transferred.
- *Additional pages may be obtained at <https://isp.illinois.gov/FirearmsSafety/Forms>*

	Make	Model	Serial #	PRINTED NAME and ADDRESS of Person to Whom Firearms were Transferred:	
				Please initial by each weapon received	FOID# or FFL# (only add to first line)
1					
2					
3					
4					
5					
6					

Page 1 of ____

***My Firearms Have Been: (initial below)**
 _____ Surrendered to or seized by the local law enforcement agency where I reside **Signature Required** →;
 _____ Transferred as indicated above; **Signature Required** →

Printed Name & Signature of
Official/Person Acknowledging Receipt of Weapons:
 X _____

→ FAILURE to COMPLY with the above is a Class A misdemeanor. 430 ILCS 65/9.5(d) ←

NOTICE TO POLICE AGENCY: It is recommended LE agencies submit the FDR via the LE Portal & Destroy All Surrendered FOID Cards



NAME: _____ DATE OF BIRTH: ____/____/____

If weapons are transferred to more than one person, complete a new page for each person to whom weapons are transferred. A copy of this form should be retained, and another e-mailed to the Illinois State Police, Office of Firearms Safety, at ISP.FDR.FormReturn@illinois.gov.

	Make	Model	Serial #	PRINTED NAME and ADDRESS of Person to Whom Firearms were Transferred:	
				Please initial by each weapon received	FOID# or FFL# (only add to first line)
7					
8					
9					
10					
11					
12					
13					
14					

ADDITIONAL PAGE(S) ARE ATTACHED AS MORE SPACE IS NEEDED. Initial ____ Page 2 of ____

REQUIRED CERTIFICATION

I DO NOT HAVE ANY WEAPONS IN MY POSSESSION (Signature Required)→ X _____

*My FOID Card Has Been: (initial below)

____ Surrendered to or seized by State Police or the local law enforcement agency where I reside Signature Required → Printed Name & Signature of Official/Person Acknowledging Receipt of FOID Card:

____ Surrendered to person listed on this form Signature Required → (Only If FOID Card is Suspended, does not apply if Revoked) X _____

____ Surrendered to the Court (No Signature Required)

____ Lost or Destroyed (No Signature Required)

*My Firearms Have Been: (initial below)

____ Surrendered to or seized by the local law enforcement agency where I reside Signature Required → or Printed Name & Signature of Official/Person Acknowledging Receipt of Weapons:

____ Transferred as indicated above; Signature Required → X _____

I certify I have transferred all firearms that I own or are under my custody and control to the custody of another person with a valid FOID card and otherwise complied with the provisions outlined above regarding the FOID Act. I declare under penalty and perjury under the laws of the state of Illinois the information provided in this form is true and correct. Total # Pages _____

Signature of Revoked/ Suspended Card Holder

Date

Law Enforcement Official's Signature OR Notary Stamp, Signature and Date:



**Illinois State Police
Office of Firearms Safety
FOID Appeal Requirements/Checklist**

**Firearms Prohibitor – Clear and Present Danger Less than 5 Years
Pursuant to: 430 ILCS 65/10 and 20 Ill. Admin. Code 1230.70**

Instructions: If your Firearm Owner's Identification (FOID) Card was revoked or your FOID Application was denied because less than five years ago you met the definition of "Clear and present danger" as provided in Section 1.1 of the FOID Act (430 ILCS 65/1.1) and have not previously had your firearm possession rights restored through administrative or judicial action pursuant to the FOID Act, you are not permitted to obtain a Firearm Owner's Identification Card unless you receive such relief. You are NOT required to appeal at this time; however, when you do so, the information listed below must be provided:

- 1. *If your FOID card was revoked*, the first step in seeking relief is to surrender your FOID Card and a completed Firearm Disposition Record, documenting the transfer of all firearms in your possession. This should have been completed within 48 hours of the revocation consistent with 430 ILCS 65/9.5. If you have not completed this step, you may find a copy of the required form on the Office of Firearms Safety Website at the Forms and Checklists tab.
If your FOID card was denied, you may skip this step.
- 2. Once you have completed step one, you will need to complete a Request for FOID Investigation, Relief, and Reinstatement of Firearms Rights form. This form can be obtained on the Office of Firearms Safety Website at the Forms and Checklists tab.
- 3. You will also need to prepare a statement in your own words, which is signed, dated and notarized, containing the following:
 - A. Details and circumstances regarding:
 - 1) any and all mental health admissions;
 - 2) your current mental status and condition;
 - 3) your mental health history, including any prior treatment or admissions; and
 - 4) whether you complied with treatment and/or medications.
 - B. You must also include:
 - 1) the dates and details of all actual or alleged acts of suicide or violence;
 - 2) whether law enforcement was involved;
 - 3) whether the courts were involved; and
 - 4) whether medical personnel were involved.
 - C. If law enforcement, the courts or medical personnel were involved, you must also include the date(s) of each incident along with the name/address of each agency; the date(s) of each legal action and the county and state where such records are held; and who provided the medical care and where they are located.
 - D. Any other proof to support your suitability for the restoration of your firearm rights including evidence you will not be likely to act in a manner dangerous to public safety and that granting relief would not be contrary to the public interest.

Additionally, you will need to **request the following be sent *directly* to the ISP from those in possession of the documents:**

(02/25/21)

- 4. All psychiatric and counseling records related to mental health diagnosis or treatment (including emergency room, inpatient, rehabilitation, detoxification, partial inpatient, and outpatient) provided to you during the past five years.
- 5. A current (within 45 days of ISP's receipt), forensic evaluation on the required form from an Illinois licensed psychiatrist or clinical psychologist not affiliated with your employer. A copy of the FOID Appeal Forensic Evaluation form required for this evaluation is available on the Office of Firearms Safety Website at the Forms and Checklists tab.
- 6. Certified copies of all court records that address your mental status or allegations you were threatening to harm yourself or others, engaged in violence, or abused alcohol or drugs (including family court and petitions for protective orders or involuntary admission or treatment); or a notarized statement from you affirming no such records exist.
- 7. At least two current (within 45 days of ISP's receipt), notarized, signed and dated letters from adults *who are aware of the circumstances regarding the revocation of your FOID card* that states:
 - A. Their full name, date of birth, and relationship to you;
 - B. Their knowledge of the circumstances regarding the revocation of your FOID card;
 - C. Their opinion of your current mental health condition and risk of dangerousness to yourself or others; and
 - D. Their opinion as to whether your possession of a firearm would be contrary to the public interest.
- 8. If the possession of a FOID card is an employment issue for you, you must provide the FOID Appeal Firearm Requirement for Employment Certification from an authorized representative of your employer or a letter from your employer on official letterhead (signed and dated) that provides:
 - A. The current status of your employment;
 - B. Your job title;
 - C. Records of any discipline or investigation regarding the revocation of your FOID card; and
 - D. Your employer's opinion as to your suitability to possess a firearm.

A copy of the form for this purpose can be obtained on the Office of Firearms Safety Website at the Forms and Checklists tab.

Please Note: All personal statements provided by you or written by others on your behalf must be signed, dated and notarized. You are encouraged to use this as a checklist because the appeal process will not begin until the Department has received all of the necessary documentation. It is your responsibility to provide or arrange for the above documents to be provided to the Department. Upon receipt of all of the documents listed above, your application will be actioned. Submission of the above documents does not guarantee the granting of relief; however, it is required to begin the review process. Unfortunately, the Department is unable to provide a time frame for when the review will be complete; nevertheless, you will be notified once the decision has been made or if additional information is needed.

Documentation must contain your full name and date of birth and be sent to: Illinois State Police
Office of Firearms Safety
801 South Seventh Street, Suite 600-S
Springfield, Illinois 62703-2487
Or by email at:
ISP.FOID.Appeals@illinois.gov

ISP Violent Crime Intelligence Task Force

(20 ILCS 2605/2605-605)

Sec. 2605-605. Violent Crime Intelligence Task Force. The Director of the Illinois State Police shall establish a statewide multi-jurisdictional Violent Crime Intelligence Task Force led by the Illinois State Police dedicated to combating gun violence, gun-trafficking, and other violent crime with the primary mission of preservation of life and reducing the occurrence and the fear of crime. The objectives of the Task Force shall include, but not be limited to, reducing and preventing illegal possession and use of firearms, firearm-related homicides, and other violent crimes, and solving firearm-related crimes.

(1) The Task Force may develop and acquire information, training, tools, and resources necessary to implement a data-driven approach to policing, with an emphasis on intelligence development.

(2) The Task Force may utilize information sharing, partnerships, crime analysis, and evidence-based practices to assist in the reduction of firearm-related shootings, homicides, and gun-trafficking, including, but not limited to, ballistic data, eTrace data, DNA evidence, latent fingerprints, firearm training data, and National Integrated Ballistic Information Network (NIBIN) data. The Task Force may design a model crime gun intelligence strategy which may include, but is not limited to, comprehensive collection and documentation of all ballistic evidence, timely transfer of NIBIN and eTrace leads to an intelligence center, which may include the Division of Criminal Investigation of the Illinois State Police, timely dissemination of intelligence to investigators, investigative follow-up, and coordinated prosecution.

(3) The Task Force may recognize and utilize best practices of community policing and may develop potential partnerships with faith-based and community organizations to achieve its goals.

(4) The Task Force may identify and utilize best practices in drug-diversion programs and other community-based services to redirect low-level offenders.

(5) The Task Force may assist in violence suppression strategies including, but not limited to, details in identified locations that have shown to be the most prone to gun violence and violent crime, focused deterrence against violent gangs and groups considered responsible for the violence in communities, and other intelligence driven methods deemed necessary to interrupt cycles of violence or prevent retaliation.

(6) In consultation with the Chief Procurement Officer, the Illinois State Police may obtain contracts for software, commodities, resources, and equipment to assist the Task Force with achieving this Act. Any contracts necessary to support the delivery of necessary software, commodities, resources, and equipment are not subject to the Illinois Procurement Code, except for Sections 20-60, 20-65, 20-70, and 20-160 and Article 50 of that Code, provided that the Chief Procurement Officer may, in writing with justification, waive any certification required under Article 50 of the Illinois Procurement Code.

(7) The Task Force shall conduct enforcement operations against persons whose Firearm Owner's Identification Cards have been revoked or suspended and persons who fail to comply with the requirements of Section 9.5 of the Firearm Owners Identification Card Act, prioritizing individuals presenting a clear and present danger to themselves or to others under paragraph (2) of subsection (d) of Section 8.1 of the Firearm Owners Identification Card Act.

(8) The Task Force shall collaborate with local law enforcement agencies to enforce provisions of the Firearm Owners Identification Card Act, the Firearm Concealed Carry Act, the Firearm Dealer License Certification Act, and Article 24 of the Criminal Code of 2012.

(9) To implement this Section, the Director of the Illinois State Police may establish intergovernmental agreements with law enforcement agencies in accordance with the Intergovernmental Cooperation Act.

(10) Law enforcement agencies that participate in activities described in paragraphs (7) through (9) may apply to the Illinois State Police for grants from the State Police Revocation Enforcement Fund.

(Source: P.A. 102-237, eff. 1-1-22; 102-538, eff. 8-20-21; 102-813, eff. 5-13-22.)

430 ILCS 65/3(a-10) – "Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm or firearms to any person who is not a federally licensed firearm dealer shall, before selling or transferring the firearms, contact the Department of State Police with the transferee's or purchaser's Firearm Owner's Identification Card number to determine the validity of the transferee's or purchaser's Firearm Owner's Identification Card. This subsection shall not be effective until January 1, 2014. The Department of State Police may adopt rules concerning the implementation of this subsection. The Department of State Police shall provide the seller or transferor an approval number if the purchaser's Firearm Owner's Identification Card is valid. Approvals issued by the Department for the purchase of a firearm pursuant to this subsection are valid for 30 days from the date of issue."