

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

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5 FIREARM DEALER LICENSE CERTIFICATION ACT
6

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58 AUTHORITY: Implementing and authorized by the Firearm Dealer License Certification Act
59 [430 ILCS 68] and authorized by Section 2605-15 of the Department of State Police Law [20
60 ILCS 2605].

61

62 SOURCE: Emergency rules adopted at 44 Ill. Reg. _____, effective _____, for a
63 maximum of 150 days.

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65 **Section 1232.10 Definitions**
66 **EMERGENCY**

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68 The following additional definitions also apply to this Part unless the context clearly requires a
69 different meaning:

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71 "Act" means Firearm Dealer License Certification Act [430 ILCS 68].

72

73 "Applicant" means a person who has submitted an application for a certified
74 license.

75

76 "ATF" means the federal Bureau of Alcohol, Tobacco, Firearms and Explosives
77 within the U.S. Department of Justice.

78

79 "Certified Licensee" or "CL" means a licensee who has certified its FFL under the
80 Act and this Part.

81

82 "Dealer" means any person or entity engaged in the business of selling firearms at
83 wholesale or retail; any person or entity engaged in the business of repairing
84 firearms or of making or fitting special barrels, stocks, or trigger mechanisms to
85 firearms; or any person who is a pawnbroker engaged in the business of selling
86 firearms.

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"Dealer License" means a Federal Firearms License authorizing a person or entity to engage in the business of dealing firearms.

"Director" means the Director of State Police.

"Disaster" means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from any natural or technological cause, including, but not limited to, fire, flood, earthquake, wind, storm, hazardous materials spill, or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, blight, extended periods of severe and inclement weather, drought, infestation, critical shortages of essential fuels and energy, explosion, riot, hostile military or paramilitary action, public health emergencies, or acts of domestic or cyber terrorism.

"Electronic Record" means a record generated, communicated, received or stored by electronic means for use in an information system or for transmission from one information system to another.

"Engage in the Business of Dealing Firearms", as used in Section 5-5 of the Act, and "Engage in the Business of Selling, Leasing, or Otherwise Transferring Firearms" as used in Section 5-15 of the Act, mean a person or entity that devotes time, attention and labor to the selling, leasing or transferring of firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale, lease or transfer of firearms. These terms apply to any person or entity who engages in the business on a full or part-time basis. The terms shall not apply to the following:

a person or entity that only engages in gunsmithing services in which it accepts a firearm for service, services the firearm, and returns it only to the customer who gave it the firearm to service;

a person or entity that engages only in the manufacture or import of firearms but does not sell, lease or transfer firearms at wholesale or retail to individual purchasers;

a person or entity that is a collector of firearms who acquires, holds or disposes of firearms as curios or relics;

pawnshops that acquire firearms only for purposes of bailment as defined in Section 5-25(11) of the Act;

129 a person or entity that only engages in transactions that do not require the
130 completion of a Form 4473 and background check under State or federal
131 law; or

132
133 any activity otherwise exempt under Section 5-25 of the Act.

134
135 "Entity" means any person, firm, corporation, group of individuals, or other legal
136 entity.

137
138 "FFL" means Federal Firearms License.

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140 "FFL Holder" *means a person, firm, corporation, or other entity that has been*
141 *given, and currently possesses, a valid Federal Firearms License.*

142
143 "FOID Act" means the Firearm Owners Identification Card Act [430 ILCS 65].

144
145 "Gunsmith" means a person who devotes time, attention and labor to servicing
146 firearms as a regular course of trade or business with the principal objective of
147 livelihood and profit, including a person who makes occasional repairs of firearms
148 or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms.

149
150 "Importer" means any person or entity engaged in the business of importing or
151 bringing firearms or ammunition into the United States for purposes of sale or
152 distribution.

153
154 "Inspection of Licensee's Place of Business" means review of all records and
155 documents involving the selling, leasing or transferring of firearms present in a
156 retail location, as well as all firearms subject to sale, lease or transfer in a retail
157 location.

158
159 "*Inventory*" *means firearms in the possession of an individual or entity for the*
160 *purpose of sale or transfer.*

161
162 "ISP" means the Illinois State Police.

163
164 "Law Enforcement Agency" means a federal or State government agency that:
165
166 is authorized by law to engage in or supervise the prevention, detection,
167 investigation, prosecution or incarceration of any person for any violation
168 of law;

169
170 has statutory powers of arrest or custodial detention; and

171

172 allows its members to carry a firearm while on duty.

173
174 *"License" means a Federal Firearms License authorizing a person or entity to*
175 *engage in the business of dealing firearms.*

176
177 "Limited Access Area" means a room or rooms on the premises of, and under the
178 control of, the certified licensee to which only the CL, the CL's agents and other
179 authorized personnel (e.g., ISP or law enforcement personnel) have access.

180 "Limited access area" includes places where weapons are stored when not on
181 display, surveillance equipment is maintained, and other areas that are not
182 generally accessible by the public or nonauthorized employees.

183
184 "Manufacturer" means any person or entity engaged in the business of
185 manufacturing firearms or ammunition for purposes of sale or distribution.

186
187 "Open to the Public" means that a certified licensee sells, leases or transfers
188 firearms to the general public during regular business hours or by appointment
189 only.

190
191 "Pawnbroker" means any person or entity whose business or occupation includes
192 the taking of, or receiving of, by way of pledge or pawn, any firearm as security
193 for the payment or repayment of money.

194
195 "Person" means any individual, corporation, company, association, firm,
196 partnership, or any other entity, including any governmental entity.

197
198 *"Retail Location" means a location open to the public from which a certified*
199 *licensee engages in the business of selling, leasing, transferring, or facilitating the*
200 *sale or transfer of a firearm. For purposes of the Act, a gun show or similar event*
201 *at which a certified licensee engages in business from time to time is not a retail*
202 *location. (Section 5-5 of the Act)*

203
204 "Secure Gun Storage or Safety Device" means:

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206 a device that, when installed on a firearm, is designed to prevent the
207 firearm from being operated without first deactivating the device;

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209 a device incorporated in the design of the firearm to prevent the operation
210 of the firearm by anyone not having access to the device; or

211
212 a safe, gun safe, gun case, lock box, or other locked receptacle that is
213 designed to be, or can be, used to store a firearm and that is designed to be
214 unlocked only by use of a key, combination, or other similar means.

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"Straw Purchase" means:

the unlawful purchase of a firearm by a person who knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm; or

the unlawful purchase of a firearm by a person who intentionally provides false or misleading information on an ATF firearms transaction record form to purchase a firearm with the intent to deliver that firearm to another person.

"Valid" means current and not suspended, revoked, expired, canceled, invalidated, denied or disqualified.

"Valid Photo Identification Card" means a current, and not suspended, revoked, expired, canceled, invalidated, denied or disqualified, driver's license or identification card issued by the federal government or any state. It does not include a temporary visitor's driver's license (TVDL).

"With the Principal Objective of Livelihood and Profit" means that the intent underlying the sale, lease or transfer of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal collection, and is not intended to apply to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes.

Section 1232.20 Application Procedures
EMERGENCY

- a) Application for a certificate of license shall be made by completing an application form provided by ISP. The application will be made available through ISP's website (www.isp.state.il.us) or in a form and manner prescribed by ISP as directed on its website.
- b) All applications and related documents shall be completed accurately and in their entirety, accompanied by the correct fee (see Section 1232.110), and submitted as indicated on the application or ISP's website.
- c) Federal Firearms License Required

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- 1) The applicant shall submit a copy of its FFL, with a sworn affidavit verifying that the FFL presented was issued to the applicant and that the FFL is valid at the time of submission of the application.
 - 2) In lieu of requiring an affidavit, ISP may verify the validity of an FFL via any system or website approved by ATF and designed to allow an FFL holder or other authorized entity to verify or authenticate the FFL submitted under subsection (c)(1). The system or website will verify the information shown on the FFL to determine if the FFL is valid.
 - 3) ISP will advise applicants on its website or the application itself if an FFL affidavit is not required to be submitted.
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- d) The applicant shall submit an affidavit identifying the name and Firearm Owner's Identification Card number of each owner, employee, or other agent who sells or transfers firearms for the applicant. The affidavit shall declare that each owner, employee, or other agent of the applicant who sells or transfers firearms is at least 21 years of age, has a valid FOID Card, and, for a renewal, has completed the training required under Section 5-30 of the Act. The affidavit form will be available through ISP's website.
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- e) Incomplete Submissions
- 1) Any application that is not completed accurately and in its entirety, or does not include the correct fee (see Section 1232.110), will be rejected.
 - 2) ISP will provide written notice to any applicant whose application is rejected stating the reasons for the rejection. The notice will also inform the applicant that a Notice of Intent to Deny will be filed 30 days after notice of the rejection if the applicant fails to provide all required information, complete the application in its entirety, and submit the correct fee.
 - 3) If an applicant has not provided the required information or fee within 30 days after notice of the rejection, ISP will file a Notice of Intent to Deny, unless it elects to grant the applicant an extension of time to complete the application.
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- f) ISP will, as part of the application process, ask any questions necessary to determine eligibility for a certificate of license.
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- g) All certificates issued shall remain the property of ISP.
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300 **Section 1232.30 Measuring Distances**

301 **EMERGENCY**

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303 For purposes of Section 5-20(c) of the Act, the distance between a retail location and a school,
 304 pre-school, or day care facility shall be measured linearly and shall be the shortest distance
 305 between the nearest corner of the building holding the retail location to the corner of the school,
 306 pre-school, or day care facility building nearest the retail location at the time the retail location
 307 seeks licensure.

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309 **Section 1232.40 Exemptions**

310 **EMERGENCY**

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312 FFL holders are not required to obtain a certificate of license if they do not engage in the
 313 business of selling, leasing, or otherwise transferring firearms, or if they only engage in any of
 314 the transfers described in Section 5-25 of the Act. However, if an FFL holder engages in the
 315 business of selling, leasing, or otherwise transferring firearms in any manner not described in
 316 Section 5-25, a valid certificate of license issued under the Act is required.

317

318 **Section 1232.50 Inspection of Certified Licensees' Places of Business**

319 **EMERGENCY**

320

321 a) *Certified licensees shall have their places of business available for inspection by*
 322 *ISP and law enforcement agencies assisting ISP during all hours of operation*
 323 *involving the sale, leasing or transfer of firearms, provided that ISP, acting on its*
 324 *own or with an assisting law enforcement agency, may conduct no more than one*
 325 *unannounced inspection per year without good cause. Nothing in this subsection*
 326 *shall be construed to interfere with any federal agency or any federal agency*
 327 *investigation.*

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329 b) Any certified licensee that is not open to the public, does not keep regular
 330 business hours, or operates by appointment only shall immediately advise ISP, in
 331 writing, of its hours of operation, including that it does not maintain regular
 332 business hours, when so requested by ISP.

333

334 c) *During an inspection, certified licensees shall make all records, documents*
 335 *related to the sale, lease, transfer, and/or destruction of firearms, and all firearms*
 336 *accessible for inspection, upon the request of ISP or assisting law enforcement*
 337 *agency. (Section 5-35 of the Act)*

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339 d) Failure to fully cooperate with an inspection could result in the imposition of
 340 discipline and/or a fine in accordance with the Act.

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342 **Section 1232.60 Security System**

343 **EMERGENCY**

344

345 On or before January 2, 2021, a certified licensee operating a retail location shall be required to
 346 operate and maintain in good working order a video security system with video surveillance of
 347 critical areas of the business premises, including, but not limited to, all places where firearms in
 348 inventory are stored, handled, sold or transferred, and each entrance and exit. The video security
 349 system must not include video surveillance of the bathroom of a retail location and may not
 350 monitor inside the bathroom.

351

352 **Section 1232.70 Alarm Monitoring System**

353 **EMERGENCY**

354

355 a) *Beginning January 2, 2020, a certified licensee maintaining an inventory of*
 356 *firearms for sale, lease or transfer must be connected to an alarm monitoring*
 357 *system or service that will notify the local law enforcement agency having*
 358 *primary jurisdiction for the licensee's retail location of an unauthorized intrusion*
 359 *into the premises of the certified licensee where firearms in inventory are*
 360 *maintained. (Section 5-50(c) of the Act)*

361

362 b) Each alarm monitoring system or service shall meet the following minimum
 363 requirements:

364

365 1) Coverage of critical areas of the retail location, including all entrances,
 366 exits, exterior windows, roof hatches, skylights, window or wall mounted
 367 air conditioning units, and rooms where firearms in inventory are stored.

368

369 2) Monitoring of interior motion detection, glass breakage detection, and/or
 370 any failure in the alarm system.

371

372 3) A notification system that will provide an alert to the certified licensee, by
 373 telephone, email or text message or a combination thereof, within five
 374 minutes after any interior motion detection, glass breakage, or system
 375 failure.

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377 4) The ability to remain operational during a power outage and ensure all
 378 access doors are not solely controlled by an electronic access panel so that
 379 locks are not released during a power outage.

380

381 5) Duress alarm; i.e., a silent security alarm system signal generated by the
 382 entry of a designated code into an arming station in order to signal that the
 383 alarm user is being forced to turn off the system.

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385 c) The system shall be:

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- 1) tested on a regular basis, but in no event less than once quarterly, to ensure it is functioning properly; and
- 2) inspected annually, with all devices being tested by a qualified alarm vendor.

393 **Section 1232.80 Safe Storage By Certified Licensees**
394 **EMERGENCY**

- 395
- 396 a) *Certified licensees maintaining a retail location shall develop a written plan that*
397 *addresses the safe storage of firearms and ammunition in a secure gun storage or*
398 *safety device. Safe storage plans shall address the following areas:*
399
 - 400 1) Storage of firearms and ammunition during retail hours and after closing;
 - 401
 - 402 2) Access to firearms and ammunition during retail hours (business
 - 403 practices);
 - 404
 - 405 3) Procedures for removing or replacing firearms to show to customers;
 - 406
 - 407 4) Loss or theft reporting;
 - 408
 - 409 5) Description of anti-theft measures and practices;
 - 410
 - 411 6) Disaster plan;
 - 412
 - 413 7) Structural Security;
 - 414
 - 415 8) Employee Screening; and
 - 416
 - 417 9) Employee training and education regarding certified licensee's policy and
 - 418 procedures and loss prevention measures.
 - 419
- 420 b) *Safe storage plans shall be submitted to ISP for approval in an electronic format*
421 *that will be provided by ISP on its website. (Section 5-55 of the Act)*
422
- 423 c) A certified licensee maintaining a retail location shall ensure the following
424 practices are implemented:
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 - 426 1) Store all inventory in a secure gun storage or safety device to prevent
 - 427 diversion, theft or loss;
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- 2) Keep all locks and security equipment in good working order;
 - 3) Prohibit keys from being left in the locks and do not store or place keys in a location accessible to persons other than specifically authorized personnel;
 - 4) Require authorized personnel to keep a log documenting the date, time and name of the person possessing and/or using keys related to secure gun storage or safety devices;
 - 5) Prohibit other security measures, such as combination numbers, codes, passwords or electronic or biometric security systems, from being accessible to persons other than specifically authorized personnel;
 - 6) Keep the retail location securely locked and protected from unauthorized entry at all times when closed for business or unoccupied by authorized personnel;
 - 7) Keep ammunition stored securely and out of the reach of customers;
 - 8) Ensure inventory records are protected by securing the records after business hours in a locked location. Only authorized or law enforcement personnel shall be permitted to view or handle the inventory records;
 - 9) Complete an audit on a regular basis, but in no event less than once quarterly. Audits shall be conducted by at least two persons and shall be memorialized in writing and made available to ISP upon request;
 - 10) Keep current and accurate inventory acquisition and disposition records. These records shall be made available to ISP upon request;
 - 11) Maintain a plan that adequately ensures the timely securing of inventory in the event of a disaster. The plan shall be made available to ISP upon request; and
 - 12) Ensure employees with access to inventory, or who otherwise handle inventory, are not prohibited from possessing firearms under State or federal law.
- d) If a retail location presents special security issues, such as an extremely large inventory, exposed handling, or unusual vulnerability to diversion, theft or loss, ISP may require additional safeguards.

- 472 e) If a loss, theft or diversion of inventory has occurred from a retail location, the
473 certified licensee shall notify ATF and the local law enforcement agency having
474 primary jurisdiction for the licensee's retail location within 48 hours after the loss
475 or theft is discovered, pursuant to the notification requirements of 18 USC
476 923(g)(6). The certified licensee shall provide a copy of any such notification to
477 ISP. If any firearms previously reported as lost or stolen are subsequently
478 recovered by the CL, the CL shall notify ATF and the appropriate local law
479 enforcement agency of the recovery.
480
- 481 f) Any CL whose certification is revoked or not current shall dispose of its inventory
482 in a manner that comports with State law and procedures approved by ATF, and
483 provide notice to ISP of its plan to transfer or otherwise dispose of inventory.
484

485 **Section 1232.90 Training; Statewide Compliance Standards**
486 **EMERGENCY**

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- 488 a) The annual training shall consist, at minimum, of the review of materials made
489 available to certified licensees by ISP. Those materials will be made available on
490 ISP's website or through other publicly available means.
491
- 492 b) A certified licensee shall:
493
 - 494 1) Ensure the CL and all employees who sell, facilitate leases, or otherwise
495 transfer firearms attend the training required by Section 5-30 of the Act.
496 The required training shall be completed before certification by ISP and
497 yearly thereafter.
498
 - 499 2) Ensure training required by Section 5-30 of the Act is completed by all
500 newly hired employees who will be selling, facilitating leases, or
501 otherwise transferring firearms prior to the new employee participating in
502 the sale, lease or transfer of any firearms or ammunition.
503
 - 504 3) Verify completion of the required annual training by the CL and all
505 applicable employees by submitting an affidavit to ISP indicating the CL
506 and all applicable employees have completed the training required by
507 Section 5-30 of the Act. A copy of the affidavit will be available through
508 ISP's website. The affidavit shall be submitted with each application for
509 certification or renewal.
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511 **Section 1232.100 Electronic-based Recordkeeping**
512 **EMERGENCY**
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- 514 a) *On or before January 2, 2020, each certified licensee operating a retail location*
515 *shall implement a searchable electronic record system to track its changing*
516 *inventory by updating the date a firearm was received or sold, the name and*
517 *address or the name and license number of the person from whom the firearm was*
518 *received or sold, the name of the manufacturer and importer (if any), make,*
519 *model, caliber or gauge, and serial number of each firearm that it receives or*
520 *sells. (Section 5-65 of the Act)*
521
- 522 b) The electronic record system must permit inventory queries by firearm serial
523 number, acquisition date of the firearm, name of the manufacturer or importer,
524 name of the purchaser, address of the purchaser or other transferee, and ATF
525 Form 4473 transferor's transaction serial number. Use of commonly recognized
526 trade names or abbreviations are acceptable when denoting manufacturer or
527 importer.
528
- 529 c) The electronic record system must denote original entries and be able to track any
530 edits, corrections or amendments.
531
- 532 d) The electronic record system must have a daily memory backup system.
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- 534 e) The electronic record system may be stored on a computer server or physical
535 storage device owned and operated by the licensee, or contracted/leased by the
536 licensee through a host facility such as a remote server or cloud storage provider.
537 The electronic record system must be readily accessible through a computer
538 server or device owned and operated by the licensee at the licensed premises
539 during regular business hours. If a host facility is used, that facility must have a
540 business premises within the United States and its territories and be subject to
541 U.S. legal process.
542
- 543 f) The electronic record system must have the capacity to provide a periodic printout
544 of all records:
545
- 546 1) at least semiannually;
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 - 548 2) upon request by ISP when required by law;
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 - 550 3) when the system memory is purged;
 - 551
 - 552 4) when the license is terminated; and
 - 553
 - 554 5) sequentially by date of acquisition for all inventory and indicating the date
555 of all sales of inventory conducted during the period covered.
556

- 557 g) The electronic record system must be able to record both the manufacturer and the
558 importer for foreign-made firearms.
559
- 560 h) Each licensee operating as a licensed dealer must maintain its firearms acquisition
561 and disposition records on a separate/partitioned database that cannot be
562 intermingled with the records associated with any other license.
563
- 564 i) The electronic record system must be self-contained, without reliance upon
565 invoices or other paper/manual systems to provide any of the above information.
566
- 567 j) *Retail sales and purchases shall be recorded within 24 hours after the*
568 *transaction. Shipments of firearms from manufacturers or wholesalers shall be*
569 *recorded upon the earlier of five business days or within 24 hours after the*
570 *shipment is unpacked and the firearm placed in inventory. (Section 5-65 of the*
571 *Act)*
572
- 573 k) *A certified licensee shall make a legible copy of a buyer's or transferee's valid*
574 *photo identification card whenever a firearm sale transaction takes place. The*
575 *photocopy shall be attached to the documentation detailing the record of sale.*
576 *(Section 5-20(a) of the Act)*
577
- 578 l) *Each certified licensee shall maintain these records for a period of no less than*
579 *the time period under 27 CFR 478.129 or any subsequent law that regulates the*
580 *retention of records. (Section 5-65 of the Act)*
581
- 582 m) Any electronic record keeping system approved by ATF that accurately records
583 the information required to be maintained by this Section is sufficient for
584 satisfying the requirements of Section 5-65 of the Act.
585
- 586 n) Alternate Method of Record Keeping
587
- 588 1) Certified licensees may seek ISP approval to use an alternate method or
589 procedure to record the acquisition and disposition of firearms when it is
590 shown by the licensee that the alternate records will accurately and readily
591 disclose the information required to be maintained. The alternate records
592 must be legible even if scanned and must be easily uploaded to a PDF
593 format. The amount of transactions recorded must assure that review of
594 the alternate records will not impose an undue burden on ISP.
595
- 596 2) The Director may approve an alternate method or procedure when he or
597 she finds that:
598

- 599 A) good cause is shown for the use of the alternate method or
600 procedure;
- 601
- 602 B) the alternate method or procedure comports with the purpose and is
603 consistent with the effect intended by the specifically prescribed
604 method or procedure, and that the alternate method or procedure is
605 substantially equivalent to that specifically prescribed method or
606 procedure; and
- 607
- 608 C) the alternate method or procedure will not be contrary to any
609 provision of law and will not result in an increase in cost to the
610 State or hinder the effective administration of the Act.
- 611

612 **Section 1232.110 Fees and Fines**

613 **EMERGENCY**

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- 615 a) An applicant for license certification shall submit the following fees with each
616 application, submitted in the form of a certified check or money order payable to
617 the "Illinois State Police", or by such other means as approved by ISP. Checks or
618 money orders shall be delivered to ISP as provided in Section 1232.180.
619
- 620 1) The fee for initial certification of an FFL held by a person *operating*
621 *without a retail location*, as defined by Section 5-5 of the Act, shall be
622 \$300 for each application submitted.
- 623
- 624 2) The fee for initial certification of an FFL held by a person operating with a
625 retail location shall be \$1,200 for each application submitted.
- 626
- 627 3) The fee for each certification of a renewed FFL shall be \$100 for a
628 certified licensee operating without a retail location and \$500 for a CL
629 operating with a retail location.
- 630
- 631 4) For new CL applicants who are current FFL holders as of January 18,
632 2019, the fee for the initial certification shall be prorated on a monthly
633 basis from the date of the initial FFL application and shall be effective for
634 the duration of the current FFL in the applicant's possession. The prorated
635 fee shall be based on the number of months remaining on the applicant's
636 current valid FFL.
- 637
- 638 5) For CLs who submitted a full fee prior to the effective date of this Part,
639 and who are eligible for proration of their fees under subsection (a)(4), ISP
640 will credit any overpayment towards the cost of the CL's next renewal or,

641 upon written request by the CL to ISP, will issue a refund of any
642 overpayment.

- 643
- 644 b) *ISP may not charge a certified licensee, operating under the same or different*
645 *business name in this State, fees exceeding \$40,000 for the certification of*
646 *multiple licenses. (Section 5-70 of the Act)*
- 647
- 648 c) *ISP may impose a fine not to exceed \$10,000 for each violation of the Act (see*
649 *Sections 5-15 and 5-85 of the Act and Section 1232.150). (Section 5-85 of the*
650 *Act)*
- 651
- 652 d) *All civil penalties or fines imposed under the Act shall be paid within 90 days*
653 *after the effective date of the final order issued imposing the fine. (Section 5-*
654 *15(g) of the Act) All civil penalties or fines shall be paid by certified check or*
655 *money order payable to the "Illinois State Police" or by such other means as*
656 *approved by ISP. Checks or money orders shall be delivered to ISP as provided*
657 *in Section 1232.180.*
- 658
- 659 e) *All monies (fees and fines) collected under the Act shall be deposited in the*
660 *Firearm Dealer License Certification Fund in the State treasury. (Section 70 of*
661 *the Act)*
- 662

663 **Section 1232.120 Term of License**

664 **EMERGENCY**

- 665
- 666 a) *Each certification shall be valid for the term of the FFL being certified. An FFL*
667 *holder shall certify each new or renewed FFL. However, ISP is not required to*
668 *renew a certification if a prior certification has been revoked or suspended.*
669 *(Section 5-75 of the Act)*
- 670
- 671 b) If a certified licensee submits an application for certification of a renewed FFL
672 prior to the expiration of the current FFL, the current certification shall remain
673 valid while the application is pending.
- 674

675 **Section 1232.130 Retention of Records**

676 **EMERGENCY**

- 677
- 678 a) *Each certified licensee shall keep, either in electronic form or hard copy, all*
679 *acquisition and disposition records for a period of time no less than the time*
680 *required under 27 CFR 478.129 or any subsequent law that regulates the*
681 *retention of records. Electronic-based recordkeeping will be required for certified*
682 *licensees operating a retail location on or after January 2, 2020, pursuant to*
683 *Section 5-65 of the Act.*

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- b) *All video surveillance records, along with any sound recordings obtained from them, shall be retained by the certified licensee for a minimum of 90 days and in accordance with Section 1232.60. (Section 5-80 of the Act)*

**Section 1232.140 Return of Suspended or Revoked Certificate of License
EMERGENCY**

- a) *Upon the suspension or revocation of a certification of license, the certified licensee shall surrender the certificate to ISP in accordance with Section 1232.180. Upon failure to do so, ISP will seize the certificate.*
- b) *When the certification is suspended, the certified licensee shall not operate as a CL during the period in which the certificate is suspended and, if operating during that period, shall be operating in violation of Section 5-15(a) of the Act. (Section 5-100(e) of the Act)*

**Section 1232.150 Disciplinary Sanctions; Restoration
EMERGENCY**

- a) *For violations of the Act not penalized under Section 5-15 of the Act, ISP may refuse to renew or restore, or may reprimand, place on probation, suspend, revoke, or take other disciplinary or nondisciplinary action against any certified licensee, and may impose a fine commensurate with the severity of the violation not to exceed \$10,000 for each violation. (Section 5-85(a) of the Act)*
- b) The following factors shall be weighed by the Director or hearing officer appointed by the Director when determining the severity of the violation and the resulting fine:
 - 1) Whether the violation constitutes a criminal offense under the Criminal Code of 2012 or any federal law and, if so, whether the violation would be considered a petty or business offense, misdemeanor, or felony under Illinois law;
 - 2) Whether the certified licensee cooperated with ISP in its investigation;
 - 3) Whether the CL refused to cooperate with ISP in its investigation, including, but not limited to, providing false or misleading information;
 - 4) Whether the violation is the first violation or a subsequent violation of the Act;

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- 5) Whether the CL has received prior discipline for the violation in question (i.e., 1st violation, 2nd or subsequent violation);
 - 6) The number of violations committed by the CL;
 - 7) Whether the violation involves fraudulent activity, deception or misrepresentation;
 - 8) Whether the violation directly resulted in the death or injury to any person or damage to any property; and
 - 9) Whether the violation constitutes a petty, minor, or major violation as those terms are defined in subsections (c), (d) and (e).
- c) Petty violations of the Act shall be subject to a civil penalty or fine not to exceed \$200 for a 1st violation and \$500 for a 2nd or subsequent violation. For purposes of this Section, "petty violation" means any violation of the Act listed in Section 5-85 of the Act that is not a criminal offense, or that constitutes a petty or business offense or a Class B or C misdemeanor, under the Criminal Code of 2012.
- d) Minor violations of the Act shall be subject to a civil penalty or fine not to exceed \$2,500 for a 1st violation and \$5,000 for a 2nd or subsequent violation. For the purposes of this Section, "minor violation" means:
- 1) any violation of Section 5-15 of the Act that would constitute a Class A misdemeanor; and
 - 2) a violation of Section 5-85 of the Act:
 - A) (a)(1), (a)(3), (a)(5) or (a)(8), if the violation would constitute a Class A misdemeanor;
 - B) (a)(2), if due to negligence or carelessness;
 - C) (a)(6)(A), if a misdemeanor;
 - D) (a)(7), if the person did not have knowledge the firearms were sold or transferred illegally, but should have known; and
 - E) (a)(9).

- 768 e) Major violations of the Act shall be subject to a civil penalty or fine not to exceed
769 \$5,000 for a 1st violation and \$10,000 for a 2nd or subsequent violation. For the
770 purposes of this Section, "major violation" means:
771
- 772 1) any violation of Section 5-15 of the Act that would constitute a Class 4
773 felony; and
774
 - 775 2) a violation of Section 5-85 of the Act:
 - 776 A) (a)(1), (a)(3), (a)(5), (a)(6)(A), or (a)(8), if the violation would
777 constitute a felony;
778
 - 779 B) (a)(2), if due to intentional or willful and wanton behavior;
780
 - 781 C) (a)(7), if the person had knowledge the firearms were sold or
782 transferred illegally;
783
 - 784 D) (a)(10); and
785
 - 786 E) (a)(11).
787
- 788
- 789 f) *The civil penalties or fines shall only be assessed by ISP after a hearing is held in*
790 *accordance with Sections 5-95 and 5-100 of the Act. (Section 5-15(e) of the Act)*
791
- 792 g) *All civil penalties or fines imposed under the Act shall be paid within 90 days*
793 *after the effective date of the final order imposing the fine. The order shall*
794 *constitute a judgment and may be filed and executed in the same manner as any*
795 *judgment from any court of record. (Sections 5-15(g) and 85(b) of the Act) All*
796 *civil penalties or fines shall be paid via certified check or money order payable to*
797 *the "Illinois State Police" or by such other means as approved by ISP. Checks or*
798 *money orders shall be delivered to ISP as provided in Section 1232.180.*
799
- 800 h) *Any certificate of license obtained under the Act by material misstatement or*
801 *fraudulent misrepresentation shall be automatically revoked.*
802
- 803 i) *At any time after the successful completion of a term of probation, suspension or*
804 *revocation of a certificate of license, ISP may restore it to the certified licensee,*
805 *unless, after an investigation and a hearing, the Director determines that*
806 *restoration is not in the public interest. (Section 5-105 of the Act)*
807

808 **Section 1232.160 Complaints; Investigations; Hearings**
809 **EMERGENCY**
810

- 811 a) Notice of Intent to Deny
812
813 1) A refusal to issue a certificate of license shall be initiated by the filing of a
814 Notice of Intent to Deny and issuance of a written Notice of Hearing. A
815 Notice of Intent to Deny shall clearly state the facts that inform the
816 applicant of the particular acts or circumstances complained of by ISP and
817 the statutes or rules upon which the allegations in the Notice of Intent to
818 Deny are based.
819
820 2) A Notice of Intent to Deny and Notice of Hearing shall be served upon the
821 applicant, by certified mail to the applicant's address of record, at least 30
822 days prior to the date set for hearing. The Notices shall advise the
823 applicant of the following:
824
825 A) a written answer to the charges must be filed under oath within 20
826 days after service;
827
828 B) failure to answer will result in a default being entered against the
829 applicant; and
830
831 C) the time and place for the hearing on the charges.
832
833 3) Answers to the Notice of Intent to Deny shall be filed with ISP in the form
834 and manner as provided for in Sections 1232.180, 1232.190 and 1232.200.
835
- 836 b) Complaint for Discipline
837
838 1) An action for discipline shall be initiated by the filing of a written
839 Complaint and issuance of a written Notice of Hearing. The Complaint
840 shall clearly state the charges made and facts that inform the certified
841 licensee of rules upon which the allegations in the Complaint and Notice
842 are based.
843
844 2) A copy of the Complaint and Notice shall be served upon the CL, by
845 certified mail to the CL's address of record, at least 30 days prior to the
846 date set for hearing and shall advise the CL of the following:
847
848 A) a written answer to the charges must be filed under oath within 20
849 days after service;
850
851 B) failure to answer will result in a default being entered against the
852 CL; and
853

- 854 C) the time and place for the hearing on the charges.
855
- 856 3) Answers to the Complaint and Notice shall be filed with ISP as provided
857 for in Sections 1232.180, 1232.190 and 1232.200.
858
- 859 c) Investigations
860
- 861 1) *ISP may, as necessary, coordinate efforts with relevant State and federal*
862 *law enforcement agencies to enforce the Act. (Section 5-120 of the Act)*
863
- 864 2) Investigations may be prompted by citizen complaints made directly to
865 ISP through ISP's website in a form and manner prescribed by ISP as
866 directed on its website or forwarded to ISP by other law enforcement
867 entities.
868
- 869 3) Authority to Continue Operations
870
- 871 A) Certified Licensees. *A certified licensee may continue to operate*
872 *during the course of an investigation or hearing unless the*
873 *Director finds that the public interest, safety, or welfare requires*
874 *emergency action. (Section 5-100(d) of the Act)*
875
- 876 B) Certification Applicants. An applicant who is served with a Notice
877 of Intent to Deny, due to a determination by ISP that the applicant
878 does not possess a currently valid FFL, shall be prohibited from
879 operating during the course of the investigation or hearing, or
880 unless and until ISP determines that the applicant possesses a
881 currently valid FFL.
882
- 883 4) Each certified licensee shall respond immediately to, and in no event later
884 than 24 hours after the receipt of, a request by ISP for information
885 contained in the records required to be kept by the Act as may be required
886 for determining the disposition of one or more firearms in the course of a
887 criminal investigation. The requested information shall be provided orally
888 or in writing as ISP may require.
889
- 890 d) Issuance of Subpoenas
891
- 892 1) Upon application to a hearing officer appointed by the Director, the
893 hearing officer *may issue a subpoena requiring any person or entity to*
894 *attend a hearing to give written or oral testimony. The subpoena may*
895 *include an order to produce books, papers, electronic records, or any*
896 *other documents or tangible things designated in those materials that ISP*

897 *deems directly relevant or material to an investigation or hearing and*
898 *reasonably necessary to resolve the matter under consideration, subject to*
899 *the same fees and in the same manner prescribed in civil cases in the*
900 *courts of this State.*

901
902 2) Every subpoena shall state the title of the action and shall command each
903 person to whom it is directed to attend and give testimony or produce
904 documents, records or tangible things at the time and place specified in the
905 subpoena. Notice of the request for subpoena shall be served on all
906 parties.

907
908 3) *The certified licensee may file an emergency motion with the Director or a*
909 *hearing officer authorized by ISP to quash a subpoena issued by ISP.*

910
911 4) *The Hearing Officer or the Director, upon timely made written motion,*
912 *and, in any event, at or before the time specified in the subpoena for*
913 *compliance, may quash or modify the subpoena if it is unreasonable and*
914 *oppressive. (Section 5-45 of the Act)*

915
916 5) Any application for subpoena must be submitted to the Hearing Office at
917 least 10 days before the hearing.

918
919 e) Hearings

920
921 1) The hearing officer for contested hearings shall be an attorney licensed to
922 practice law in Illinois appointed by the Director. The hearing officer may
923 be disqualified for bias or conflict of interest.

924
925 2) The procedures for the hearing shall be as described in Article 10 of the
926 Illinois Administrative Procedure Act [5 ILCS 100], unless other
927 procedures are specifically described in this Section or as ordered by the
928 hearing officer.

929
930 3) A hearing may be postponed or continued for due cause by the hearing
931 officer upon his or her own motion or upon motion of a party to the
932 hearing. Notice of any postponement or continuance shall be given in
933 writing to all parties to the hearing within a reasonable time in advance of
934 the previously scheduled hearing date, when feasible. All parties involved
935 in a hearing shall attempt to avoid undue delay caused by repetitive
936 postponements or continuances so that the subject matter of the hearing
937 may be resolved expeditiously.

938

- 939 4) Failure of a CL to appear on the date set for hearing, or failure to proceed
940 as ordered by the hearing officer, shall constitute a default. The hearing
941 officer shall thereupon enter such Findings, Conclusions of Law, and
942 Recommendations as is appropriate under the pleadings and the evidence
943 received into the record.
944
- 945 5) The hearing officer's Findings, Conclusions of Law, and
946 Recommendations shall be in writing and shall include Findings of Fact
947 and Conclusions of Law, and Recommendations or Opinions separately
948 stated when possible. Findings of Fact shall be based exclusively on the
949 evidence presented at the hearing or known to all parties, including
950 matters officially noticed. Findings of Fact shall be accompanied by a
951 statement of the underlying supporting facts. If a party submits proposed
952 Findings of Fact that may control the decision or order, the decision or
953 order shall include a ruling upon each proposed finding. Each Conclusion
954 of Law shall be supported by authority or reasoned opinion. A hearing
955 officer's Recommendation shall not be made except upon consideration of
956 the record as a whole or such portion of the record as may be supported by
957 competent material and substantial evidence.
958
- 959 6) The hearing officer shall submit his or her Findings, Conclusions of Law,
960 and Recommendations to the Director within 45 days after the conclusion
961 of the hearing.
962
- 963 7) All hearings shall be conducted at a location determined by the Director.
964

965 **Section 1232.170 Order of the Director**

966 **EMERGENCY**

- 967
- 968 a) The Director shall review the hearing officer's Findings, Conclusions of Law, and
969 Recommendations and shall issue an order either adopting or declining to adopt
970 the hearing officer's Findings of Fact, Conclusions of Law, and
971 Recommendations, in whole or in part, within a reasonable time. *The order shall*
972 *also contain a finding of whether the accused licensee violated the Act or failed to*
973 *comply with the conditions required in the Act.* (Section 5-100(a) of the Act)
974
- 975 b) The decision in the case will become effective immediately upon the execution of
976 a written order, or as otherwise specified by either the order or applicable statute.
977 The order is final and subject to judicial review under Section 5-10 of the Act.
978
- 979 c) A certified licensee shall be immediately notified of the order, either personally or
980 by certified mail, addressed to the last known address of the CL. A copy of the
981 order shall be delivered or mailed to the CL or to his or her attorney of record.

982

983 **Section 1232.180 Filing**

984 **EMERGENCY**

985

986 a) Documents and motions permitted or required to be filed with ISP in connection
987 with a hearing or response to a subpoena issued by ISP shall be addressed to and
988 mailed to, or filed in person with, the Illinois State Police, 801 South Seventh
989 Street, Springfield IL 62703, in duplicate or as otherwise directed by a hearing
990 officer if one has been appointed by the Director. The offices of ISP are open for
991 filing from 8:30 a.m. to 5:00 p.m., Monday through Friday, except on National
992 and State legal holidays.

993

994 b) By agreement of the parties or by order of the hearing officer, filing of these
995 documents may also be accomplished by email to ISP and opposing party (or
996 opposing party's counsel). Any filings by email must be received by the recipient
997 no later than 5:00 p.m. on the date filing is due.

998

999 **Section 1232.190 Form of Documents**

1000 **EMERGENCY**

1001

1002 a) Documents shall clearly show the file Hearing Number and the title of the
1003 proceedings in connection with which they are filed.

1004

1005 b) Except as otherwise provided, 2 copies of all documents, including notices,
1006 motions, and petitions, shall be filed with ISP.

1007

1008 c) Except as otherwise provided, documents shall be typewritten or reproduced from
1009 typewritten copy on letter or legal size white paper.

1010

1011 d) One copy of each document filed shall be signed by the certified licensee or by
1012 his or her authorized representative or attorney.

1013

1014 **Section 1232.200 Motion and Answer**

1015 **EMERGENCY**

1016

1017 a) Any CL receiving a Complaint or Notice of Intent to Deny shall file an answer
1018 within 20 calendar days after service and not later than 10 calendar days prior to
1019 the date of hearing. All answers or motions preliminary to a hearing shall be
1020 presented to ISP and to the hearing officer at least 10 calendar days prior to the
1021 date of hearing, or on such other date as the hearing officer shall designate, and
1022 shall be served personally or by certified mail.

1023

- 1024 b) Unless made orally on the record during a hearing, or unless the hearing officer
1025 directs otherwise, an answer or motion shall be in writing and shall be
1026 accompanied by any other evidence relied upon and, as appropriate, by a
1027 proposed order. At least two copies of all such motions shall be filed with ISP
1028 (one for the ISP attorney and one for the hearing officer) and at least one copy
1029 served on each additional party, if any, to the hearing.
1030
- 1031 c) Every answer shall contain an explicit admission or denial of each allegation of
1032 the Complaint, Notice of Intent to Deny, or motion to which it relates. Every
1033 allegation not explicitly denied shall be deemed admitted unless the party states in
1034 his or her answer that he or she has no knowledge of the allegation sufficient to
1035 form a belief, and attaches an affidavit of the truth of the statement of want of
1036 knowledge, or unless the party has had no opportunity to deny. Denials must not
1037 be evasive, but must fairly answer the substance of the allegation denied.
1038
- 1039 d) Within 10 calendar days after service of a written motion, or such other period as
1040 the hearing officer may prescribe, a party may file a response in support of or in
1041 opposition to the motion, accompanied by affidavits or other evidence. If no
1042 response is filed, the parties shall be deemed to have waived objection to the
1043 granting of the motion. The moving party shall have no right to reply, except as
1044 permitted by the hearing officer.
1045
- 1046 e) No oral argument will be heard on a motion unless the hearing officer directs
1047 otherwise. A written brief may be filed with a motion or a response to a motion,
1048 stating the arguments and authorities relied upon.
1049
- 1050 f) The hearing officer shall rule upon all motions, except that he or she shall have no
1051 authority to dismiss or decide a hearing on the merits without granting all parties
1052 to the proceeding a right to be heard and to establish a record.
1053
- 1054 g) A party may participate in the proceedings without forfeiting any jurisdictional
1055 objection, if that objection is raised at or before the time the party files his or her
1056 answer or motion, or, if no answer or motion is made, before the commencement
1057 of the hearing.
1058

1059 **Section 1232.210 Rehearings**

1060 **EMERGENCY**

- 1061
- 1062 a) Except as otherwise provided by law, and for good cause shown, the Director
1063 may, in his or her discretion, order a rehearing on written motion of the certified
1064 licensee. The motion shall specify the particular grounds for rehearing.
1065

- 1066 b) When the record of testimony made at the hearing is found by the Director to be
1067 inadequate for purposes of judicial review, the Director may order a reopening of
1068 the hearing.
1069
- 1070 c) A motion for a rehearing or a motion for the reopening of a hearing shall be filed
1071 within 20 calendar days after service of the Director's order. ISP may respond to
1072 the motion for rehearing if it is determined that a response is necessary to address
1073 issues raised in the rehearing motion. ISP's response shall be filed within 20
1074 calendar days after its service on ISP. A rehearing shall be noticed and conducted
1075 in the same manner as an original hearing. The evidence received at the rehearing
1076 shall be included in the record for the director's reconsideration and for judicial
1077 review. A decision or order may be amended or vacated after rehearing.
1078

1079 **Section 1232.220 Administrative Review**

1080 **EMERGENCY**

- 1081
- 1082 a) *All final administrative decisions of ISP shall be subject to judicial review under*
1083 *the Administrative Review Law [735 ILCS 5/Art. III]. (Section 5-110 of the Act)*
1084 The term "administrative decision" is defined in Section 3-101 of the
1085 Administrative Review Law.
1086
- 1087 b) If any final ISP action is appealed in circuit court pursuant to this Section, the
1088 record on review shall include the following:
1089
 - 1090 1) The application and any other related documents submitted;
 - 1091
 - 1092 2) Any written documentation considered by ISP in making its final decision
1093 with respect to the application;
 - 1094
 - 1095 3) Any written correspondence between ISP and the person or entity
1096 submitting the application, provided that the correspondence played a
1097 material role in the final decision rendered by ISP, made a material
1098 argument to ISP with respect to the application or petition, or would be
1099 helpful to the circuit court in reviewing the matter because the
1100 correspondence provides helpful procedural background; and
1101
 - 1102 4) The transcript of any administrative hearing and any documents or other
1103 evidence submitted at the hearing.
1104

1105 **Section 1232.230 Mandatory Signage**

1106 **EMERGENCY**

1107
1108 Sections 5-20 and 5-50 of the Act specify warning language that must be posted.

- 1109
1110 a) Signage shall be posted as required under Sections 5-20 and 5-50 of the Act.
1111
1112 b) Templates for signs required pursuant to Sections 5-20 and 5-50 of the Act are
1113 provided in Appendix A and are available on ISP's website.
1114
1115 c) If a larger sign is warranted, ISP's image must be incorporated into the sign, and
1116 the required warning language must still be in block letters not less than one inch
1117 in height.
1118
1119 d) The required signs shall be clearly and conspicuously posted, as required by
1120 Sections 5-20 and 5-50 of the Act, on the premises where the certified licensee
1121 conducts business.
1122
1123 1) The sign required by Section 5-20 of the Act shall advise persons that it is
1124 unlawful:
1125
1126 A) *to store or leave an unsecured firearm in a place where a child can*
1127 *obtain access to it;*
1128
1129 B) *to sell or transfer a firearm to someone else without receiving an*
1130 *approval for the transfer from ISP; and*
1131
1132 C) *to fail to report the loss or theft of a firearm to local law*
1133 *enforcement within 72 hours. (Section 5-20 of the Act)*
1134
1135 2) The sign required by Section 5-50 of the Act shall provide persons
1136 entering the property notice that *the premises are under video surveillance*
1137 *and their image may be recorded* pursuant to Section 5-50 of the Act.
1138 (Section 5-50 of the Act)
1139

1140 **Section 1232.EXHIBIT A Warning Signage**
1141 **EMERGENCY**

1142
1143 Pursuant to Sections 5-20 and 5-50 of the Act, the warning language on the signs must be in
1144 BLOCK LETTERS at least one inch in height.

1145
1146 The images are available on ISP's website for download. Image prints to 25" x 32".
1147
1148

**WITH FEW EXCEPTIONS ENUMERATED IN
THE FIREARM OWNERS IDENTIFICATION
CARD ACT, IT IS UNLAWFUL FOR YOU TO:**

- (A) STORE OR LEAVE AN UNSECURED
FIREARM IN A PLACE WHERE A CHILD
CAN OBTAIN ACCESS TO IT;**

- (B) SELL OR TRANSFER YOUR FIREARM TO
SOMEONE ELSE WITHOUT RECEIVING
APPROVAL FOR THE TRANSFER FROM
THE ILLINOIS STATE POLICE; OR**

- (C) FAIL TO REPORT THE LOSS OR THEFT
OF YOUR FIREARM TO LOCAL LAW
ENFORCEMENT WITHIN 72 HOURS.**



1149 Image prints to 8.5" x 14".
1150

