

# CHAMPAIGN POLICE DEPARTMENT

## POLICY and PROCEDURE

POLICY NUMBER: 14.1

SUBJECT: FOID / CONCEALED CARRY LICENSES /  
CLEAR AND PRESENT DANGER

EFFECTIVE DATE: 05/11/25  
REVISED DATE:

REFERENCE ILEAP:

REFERENCE CALEA:

INDEX AS:

- 14.1.1 FIREARM CONCEALED CARRY
- 14.1.2 CONCEALED CARRY VIOLATIONS
- 14.1.3 PROHIBITED LOCATIONS
- 14.1.4 OFFICER RESPONSIBILITY
- 14.1.5 OFFICER SAFETY
- 14.1.6 NON-ILLINOIS RESIDENTS
- 14.1.7 IN CUSTODY FIREARMS SITUATIONS
- 14.1.8 NON-CUSTODY FIREARMS SITUATIONS
- 14.1.9 OBJECTIONS TO CCL APPLICATIONS
- 14.1.10 FOID/CCL SUSPENSIONS AND REVOCATIONS
- 14.1.11 VOLUNTARY SURRENDER OF FOID/CCL / FIREARMS
- 14.1.12 CLEAR AND PRESENT DANGER

### **PURPOSE:**

This policy provides guidance on the Firearm Owner Identification (FOID) Act, the Firearm Concealed Carry Act, and Clear and Present Danger regulations. It ensures employees understand state statute mandates and the procedures for suspensions, revocations, and Clear and Present Danger responsibilities and requirements.

### **POLICY STATEMENT:**

The Champaign Police Department is committed to complying with the provisions of the FOID Act, the Firearm Concealed Carry Act, and all associated reporting requirements. The Department will support the Illinois State Police (ISP) by maintaining records of FOID card and Concealed Carry License (CCL) suspensions and revocations for residents within the City of Champaign's jurisdiction. While the ISP holds primary responsibility for investigating and enforcing these laws, the Department will assist by notifying individuals, facilitating the completion and submission of the ISP Firearm Disposition Record form, collecting and disposing of suspended or revoked FOID and CCL cards, ensuring the proper safekeeping of any surrendered firearms, and fulfilling all Act reporting requirements.

### **DEFINITIONS:**

Clear and Present Danger: As defined by the Illinois Compiled Statutes (430 ILCS 65/1.1), a person is a clear and present danger when: (1) they communicate a

serious threat of physical violence against a reasonably identifiable victim or poses a clear and imminent risk of serious physical injury to himself, herself, or another person as determined by a physician, clinical psychologist, or qualified examiner, or (2) they demonstrate threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior, as determined by a physician, clinical psychologist, qualified examiner, school administrator, or law enforcement official.

Concealed Carry License (CCL): A license issued by ISP to carry a concealed firearm.

Concealed Firearm: For the purposes of the Firearm Concealed Carry Act and this policy, a loaded or unloaded handgun carried on or about a person, completely or mostly concealed from view, or on or about a person within a vehicle.

Firearm Concealed Carry Act: A state statute (430 ILCS 66) outlining the requirements that allow a person with a concealed carry license in the State of Illinois to carry a loaded or unloaded firearm, whether fully or partially concealed, on or about their person or within a vehicle.

FOID Card and Firearm Disposition Record: An ISP form used by officers and firearm owners to document and verify the surrender of FOID/CCL card(s) and list all firearms in the owner's possession at the time of a FOID/CCL suspension or revocation.

Firearms Owners Identification (FOID) Card: Identifies a person as eligible to possess/acquire firearms and firearm ammunition.

Handgun: Any device designed to expel a projectile or projectiles by the action of an explosion, expansion of gas, or escape of gas, which is held and fired by a single hand. A handgun does not include: a stun gun or TASER, machine gun, short-barreled rifle or shotgun, pneumatic gun, spring gun, paintball gun, or BB gun.

Licensee: A person who has been issued a FOID or CCL card by ISP.

### **POLICY:**

#### **14.1.1 FIREARM CONCEALED CARRY**

- A. The Department respects the rights of individuals to carry concealed firearms in compliance with the Illinois Firearm Concealed Carry Act. It is the policy of the Department to not unreasonably interfere with or discriminate against individuals who lawfully carry concealed firearms.

- B. ISP is responsible for issuing CCLs and maintains a database of CCL applicants and licensees. The database is available to all federal, state, and local law enforcement agencies as well as local judicial agencies or courts. Information in the database shall not be transmitted outside of established law enforcement personnel.

#### **14.1.2 CONCEALED CARRY VIOLATIONS**

- A. A concealed carry licensee is required to be in possession of their CCL while armed at all times with the following exceptions:

1. When the licensee is carrying or possessing a concealed firearm on their land or in their abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person with that person's permission as an invitee. However, they are still required to possess a valid FOID.
2. When a person is authorized to carry a firearm under 720 ILCS 5/24.2 (Retired Law Enforcement Exemptions, except subsection (a)(5) (Private Security Officers) of that section).
3. When the firearm being carried is broken down in a non-functioning state, is not immediately accessible, or is unloaded and enclosed in a case.

- B. Other violations and remedies are described in 430 ILCS 66/70 and include, but are not limited to:

1. Order of Protection – Applies to all types of Orders of Protection. The licensee must surrender their license to the court, law enforcement agency, or the entity responsible for serving the Order, and said entity shall notify ISP within seven calendar days and transmit the surrender of the license to ISP.
2. Revocation of FOID – Any person who receives a FOID revocation notice shall surrender their FOID to their local law enforcement agency within 48 hours of receiving said notice. The receiving agency must transmit the surrendered FOID card and a completed ISP Firearm Disposition Record to ISP within seven calendar days. Any FOID revocation will, by default, also revoke a CCL, and if the licensee surrenders his/her FOID, they must also surrender their CCL.
3. No licensee shall carry a concealed weapon while under the influence of alcohol, any other drug or drugs, an intoxicating compound or compounds, or any combination thereof, as prohibited under Section 11-501 of the Illinois Vehicle Code. Charges related to these violations are Class A misdemeanors for first and second violations and a Class 4 felony for a third violation. After a third violation, the licensee shall be permanently ineligible for a CCL.

4. A licensee who violates the provisions of the Concealed Carry Act are subject to criminal concealed carry penalties, not Unlawful Possession of Weapon criminal penalties.

5. A valid concealed carry license holder who utilizes a firearm inappropriately may be subject to other criminal offenses, as specified in 430 ILCS 66/70(f).

6. Persons who are not valid concealed carry licensees found to be in possession of a concealed firearm may be subject to the Unlawful Possession of Weapon statutes.

#### **14.1.3 PROHIBITED LOCATIONS**

- A. A licensee shall not knowingly carry a firearm on or into any building, real property, or parking area under the control of:

1. A public or private elementary or secondary school.
2. A pre-school or childcare facility, including any room or portion of a building under the control of a preschool or childcare facility.
3. Any public or private community college, college, or university.
4. Any stadium, arena, or any collegiate or professional sporting event.
5. An office of the executive or legislative branch of the federal government.
6. An adult or juvenile detention or correctional institution, prison, or jail.
7. A public or private hospital, or hospital affiliate, mental health facility, or nursing home.
8. An establishment that serves alcohol on its premises, if more than 50% of the establishment's gross receipts within the prior three months are from the sale of alcohol.
9. A gaming facility licensed under the Riverboat Gambling Act or the Illinois Horse Racing Act of 1975.
10. A public library.
11. An airport.
12. A zoo or museum.
13. An amusement park.
14. Any bus, train, or form of transportation paid for in whole or in part with public funds and any facility of public transportation paid for in whole or in part with public funds.
15. Any facility regulated by the Nuclear Regulatory

Commission.

- B. A licensee shall not knowingly carry a firearm on or into any building under the control of:
1. Any circuit court, appellate court, or the Supreme Court.
  2. A public gathering or special event conducted on property open to the public that requires a permit from a unit of local government.
  3. Any organization that has been issued a Special Event Retailer's license as defined in Section 1-3.17.1 of the Illinois Liquor Control Act during the time designated for the sale of alcohol by the Special Event Retailer's License.
  4. Any public playground.
  5. Any public park, athletic area, or athletic facility under the control of a municipality or park district, except for trails or bikeways, if only a portion of the trail or bikeway is located within a public park.
  6. Any area where firearms are prohibited by federal law.
  7. Any other property that has been designated as "firearms prohibited" using placards approved by ISP and posted at all public entrances. This section does not apply to private residences.
- C. Exceptions to Prohibited Areas – Except for any area where firearms are prohibited under federal law or regulated by the Nuclear Regulatory Commission.
1. Any person prohibited from carrying a concealed firearm into the parking area of a prohibited location specified in Section 14.1.3 (A), shall be permitted to carry a concealed firearm on or about their person within a locked vehicle into the parking area and may store a firearm or ammunition concealed in a case within a locked vehicle (including the glove compartment or console that completely encloses the firearm or ammunition) or locked container out of plain view within the vehicle parking area.
  2. A licensee may carry a concealed firearm in the immediate area surrounding their vehicle within a prohibited parking lot area, provided the licensee stores or retrieves the firearm within the vehicle's trunk and ensures the concealed firearm is unloaded prior to exiting the vehicle.
  3. A licensee shall not be in violation while traveling along a public right-of-way that touches or crosses any of the prohibited locations, provided the concealed firearm is carried on their person in accordance with the provisions of the Concealed Carry Act.

#### 14.1.4 OFFICER RESPONSIBILITY

- A. Vehicle Stops:
1. All stops shall be made in accordance with current federal, state, and local laws and Department Policy, including Department Policy 1.8, Procedural Rules for Stop and Frisk, Warrantless Searches, and Warrant Search, and Policy 61.1, Traffic Enforcement.
  2. The officer may ask the driver/occupant(s) if they possess a concealed carry license.
    - a. A licensee shall disclose whether they are in possession of a concealed firearm.
    - b. The licensee shall present the license to the officer upon request.
    - c. The licensee shall verbally identify the location of the concealed firearm.
  3. The officer shall verify the license is valid via a Law Enforcement Agencies Data System (LEADS) inquiry.
  4. If the licensee is valid but does not physically possess the license, the officer will have the discretion to remind the person they must carry the license or may make an arrest, considering the totality of the circumstances.
  5. Officer safety and the totality of the circumstances will determine whether the officer may ask the driver or occupants to step out of the vehicle.
  6. Officer safety and the totality of the circumstances will determine whether the officer may request the driver and occupants to keep their hands in clear view.
  7. Officer safety and the totality of the circumstances will determine if the officer may temporarily secure the firearm for officer safety.
  8. Officer safety and the totality of the circumstances will determine if the officer may temporarily detain the driver or occupants in handcuffs.
  9. If either A.7. or A.8. occurs, the officer shall articulate their actions in a Public Safety Records Management System (PSRMS) incident report.
  10. If the licensee is arrested for a violation of the Concealed Carry Act, the firearm will be entered into evidence. If the licensee is arrested for an offense unrelated to the Concealed Carry Act, the firearm will be entered into evidence for safekeeping.
  11. If a weapon is temporarily secured during the stop, it shall be returned upon completion of the stop.

B. Suspicious Persons/Terry Stops:

1. All stops shall be conducted in accordance with current state and federal laws, and Policy 1.8, Procedural Rules for Stop and Frisk, Warrantless Searches.
2. Officer safety and the totality of the circumstances will dictate whether the officer may pat down the person(s) outer clothing for weapons.
3. Officer safety and the totality of the circumstances will determine whether the officer may temporarily detain the person(s) in handcuffs.
4. Officer safety and the totality of the circumstance will determine whether the officer may temporarily secure the firearm.
5. The officer may ask the person(s) if they possess a concealed carry license:
  - a. The licensee shall disclose whether they are in possession of a concealed firearm.
  - b. The licensee shall present the license to the officer upon request.
  - c. The licensee shall verbally identify the location of the concealed firearm.
6. The officer shall verify the license is valid via a LEADS inquiry.
7. The officer shall determine if the location of the contact is considered a prohibited location or if appropriate signage is conspicuously posted forbidding the possession of a concealed firearm.
8. If it is determined to be a prohibited location, the officer has the discretion to allow the inadvertent violator to leave or may place the person under arrest for the violation.
9. If the licensee is arrested for the violation, the firearm will be entered in evidence.
10. If the licensee is arrested for an offense unrelated to the concealed carry law, the firearm will be entered into evidence for safekeeping.
11. If the weapon is carried in a way that is not concealed to the public, "Open Carry," the officer may:
  - a. Advise the inadvertent violator that the firearm must remain concealed, or its location will result in an arrest for violating the law.
  - b. If the licensee is arrested for violating the Concealed Carry Act, the firearm will be entered into evidence for safekeeping.

12. The officer shall write a detailed PSRMS incident report that articulates their actions.

C. Domestic Disputes / Disturbance Calls for Service:

1. Determine the nature of the disturbance and separate the parties.
2. Officer safety and the totality of the circumstances will dictate whether the officer may pat down the involved person(s) outer clothing for weapons.
3. Officer safety and the totality of the circumstances will determine whether the officer may temporarily detain the person in handcuffs.
4. Officer safety and the totality of the circumstance will determine whether the officer may temporarily secure the firearm.
5. The officer may ask the subject(s) if they possess a concealed carry license:
  - a. The licensee shall disclose whether they are in possession of a concealed firearm.
  - b. The licensee shall present the license to the officer upon request.
  - c. The licensee shall identify the location of the concealed firearm.
6. The officer shall verify the license is valid via a LEADS inquiry.
7. The officer shall determine if the location of the contact is considered a prohibited location or if appropriate signage is conspicuously posted at the entrance forbidding the possession of a concealed weapon.
8. If it is determined to be a prohibited location, the officer has the discretion to allow the inadvertent violator to leave or may place the individual under arrest for violating the law.
9. If the licensee is arrested for violating the concealed carry law or any other unrelated offense, the firearm will be booked into evidence for safekeeping.
10. If the weapon is carried in a way that is not concealed to the public, "Open Carry," the officer may:
  - a. Advise the inadvertent violator that the firearm must remain concealed, or its location will result in an arrest for violating the law.
  - b. If the licensee is arrested for violating the concealed carry law, the firearm will be booked into evidence for safekeeping.

11. If the licensee is arrested for violating the law that involves the improper use of a firearm, i.e., Aggravated Assault, the firearm will be seized and entered as evidence.
12. If an order of protection is issued against a licensee, the licensee shall surrender the license, as applicable, to the court at the time the order is entered or to the law enforcement agency or entity serving process at the time the licensee is served the order. ISP and the licensee shall be notified within seven days (430 ILCS 66/70(b)).
13. The officer shall write a detailed PSRMS incident report that articulates their actions.

#### **14.1.5 OFFICER SAFETY**

- A. If an officer reasonably believes it is necessary for the safety of anyone present during an encounter, the officer may secure a firearm or direct that it be secured during any contact with a licensee lawfully carrying a firearm or non-resident lawfully transporting a firearm. The officer shall return the firearm to the person after it is determined they are not a threat to the safety of any person present unless they are being transported to another location, in which case the officer shall proceed as provided in the Firearms in Non-Custody Situations section of this policy (430 ILCS 66/10 (h-1)).

#### **14.1.6 NON-ILLINOIS RESIDENTS**

- A. Non-residents may obtain an Illinois CCL and are subject to the same legal requirements as residents. As such, unless a non-Illinois resident obtains an Illinois CCL, they cannot carry a concealed firearm.
- B. The concealed carry law shall not prohibit a non-resident from transporting a concealed firearm within their vehicle in Illinois, if the concealed firearm remains within their vehicle and the non-resident:
  1. Is not prohibited from owning or possessing a firearm under federal law;
  2. Is eligible to carry a firearm in public under the laws of their state or territory of residence, as evidenced by the possession of a concealed carry license or permit issued by their state of residence; and,
  3. Is in possession of a license under Illinois' Concealed Carry Act.
- C. If the non-resident leaves their vehicle unattended, they shall store the firearm within a locked vehicle or locked container within the vehicle in accordance with subsection (b) of Section 65 of the Concealed Carry Act.
- D. If a non-resident is found carrying a concealed firearm in a public venue or prohibited location and

does not possess a valid Illinois CCL, but does possess an out-of-state concealed carry permit, the officer may:

1. Warn the inadvertent violator they are in violation of Illinois Law and allow them to secure their firearm in their vehicle, or
2. Given the totality of the circumstances, arrest the person for Unlawful Use of a Weapon, 720 ILCS 5/24-1(a)(4).

#### **14.1.7 IN CUSTODY FIREARMS SITUATIONS**

- A. No person shall be transported in a department vehicle or be brought into a department facility or other prohibited facility while armed. If no other reasonable accommodation for the firearm is available, officers should take possession of the firearm, safely secure it during transport, and retain possession until the person is released. If the person is not released, the firearm will be submitted to evidence for safekeeping.
- B. If a licensee's vehicle is towed and their firearm is in the vehicle, officers should handle the vehicle inventory in a manner consistent with Policy 61.5, Towing Vehicles. The officer should remove any firearms and submit them to evidence for either safekeeping or evidence, whichever is appropriate for the circumstances.
  1. If a legally possessed firearm is locked in a storage container inside the vehicle and is not considered evidence, officers should ask the licensee whether they refer to having the firearm secured for safekeeping in evidence or left with the vehicle. The licensee's decision shall be documented in the incident report or on the tow sheet.
- C. Any firearm retained and stored for safekeeping shall be returned to the lawful owner, without fees.

#### **14.1.8 NON-CUSTODY FIREARMS SITUATIONS**

- A. If a licensee who is in lawful possession of a firearm is encountered under circumstances where they cannot adequately secure or legally transfer possession of the firearm (i.e., is incapacitated or being transported to the hospital for medical reasons), the firearm shall be retained and entered into evidence for safekeeping.
- B. Any firearm retained and stored for safekeeping shall be returned to the lawful owner, without fees (430 ILCS 66/10(h-1)).

#### **14.1.9 OBJECTIONS TO LICENSE APPLICATIONS**

- A. State law allows law enforcement agencies to file an objection to a license applicant when there is reasonable suspicion that the applicant is a danger to themselves or others or poses a threat to public safety (430 ILCS 66/15(a)). Any Department

employee who becomes aware of a license applicant who the member reasonably suspects is a danger to themselves or others, or who poses a threat to public safety, should promptly forward an incident report or a memorandum, as appropriate, to the Police Chief or the authorized designee for approval and forwarding to ISP.

- B. ISP will submit all objected applications to the State Concealed Carry Licensing Review Board for a determination of issuance. This does not require ISP to contact the Department to advise the outcome of the objection and the Board's determination.

#### **14.1.10 FOID/CCL SUSPENSIONS AND REVOCATIONS**

- A. ISP will notify a licensee of a suspension or revocation of their FOID/CCL. A copy of that notification is mailed to the licensee's local law enforcement agency. When the Department receives that notification from ISP indicating a recent suspension or revocation, the following protocol shall be followed:

1. The notification will be directed to a Police Services Unit Supervisor, who will conduct a LEADS check on the subject to verify the status of their FOID/CCL license and check for outstanding warrants.
2. The Police Services Unit Supervisor will update the PSRMS with the FOID/CCL suspension or revocation information.
3. The Police Services Unit Supervisor will forward the notification to the Operational Support Lieutenant, who will confirm receipt of the notification in the ISP Law Enforcement Portal.
4. If ISP contacts the Department to assist in the investigation and/or enforcement of the suspension or revocation process, the Department will provide the reasonable resources necessary to aid that investigation.
5. If an officer serves an order of protection and the person served is known to possess a concealed carry license, the officer should seize the concealed carry license. A notification of the order and the license must be forwarded to ISP within seven days of the date the order was served (430 ILCS 66/70).

#### **14.1.11 VOLUNTARY SURRENDER OF FOID/CCL / FIREARMS**

- A. Within 48 hours of receiving notice of the suspension or revocation, the licensee must surrender their FOID/CCL card(s) to the local law enforcement agency where they reside. The subject must also transfer all firearms in their possession or control for safekeeping to either a person who is legally permitted to possess them or a law enforcement agency. Failure to comply is a class A

misdemeanor.

- B. A licensee has the option to transfer their firearm(s) for safekeeping instead of surrendering them to law enforcement. In those instances, the FOID Card and Firearm Disposition Record must include the make, model, and serial numbers of all firearms, along with the personal information and FOID card number of the person to whom the firearm(s) have been transferred.

1. The following protocol shall be followed by officers and employees when a licensee voluntarily surrenders their FOID/CCL card to the Department.

- a. If the subject is only surrendering a FOID/CCL card(s), then the officer or employee shall complete and sign the law enforcement section of the FOID card and Firearm Disposition Record. An incident report is not required unless firearms are surrendered along with the card(s).
- b. The officer or employee shall verify the subject's FOID/CCL status through LEADS.
- c. The officer or employee shall provide the licensee with a copy of the surrendered FOID/CCL card(s) and Firearm Disposition Record as a receipt for the transfer of the property.
- d. The officer or employee should ensure the PSRMS is updated with the subject's FOID/CCL suspension or revocation information.
- e. The officer or employee shall destroy and dispose of the surrendered FOID/CCL card(s).
- f. The FOID Card and Firearm Disposition Record shall be forwarded to a Police Services Unit Supervisor, who will log into the ISP Law Enforcement Portal to submit the scanned disposition record and mark the subject's FOID/CCL card(s) as surrendered and destroyed.

2. The following protocol shall be followed if the subject is surrendering one or more firearms to the Department for safekeeping in conjunction with surrendering their FOID/CCL card.

- a. A dispatch ticket will be created, and an officer will be required to respond.
- b. The officer shall review and/or assist the licensee in completing the FOID Card and Firearm Disposition Record in its entirety.

- c. The officer shall confirm the identity of the subject in possession of the items and conduct a LEADS inquiry to verify that they are the valid licensee.
- d. The officer shall conduct a LEADS inquiry on the firearm(s) to be surrendered before the licensee departs the building.
- e. The officer shall provide the licensee with a copy of the FOID Card and Firearm Disposition Record as a receipt for the transfer of the FOID card and firearm(s). The PSRMS incident number shall be included on the completed FOID Card and Firearms Disposition Record Form.
- f. The officer shall submit the subject's FOID/CCL card(s) and firearm(s) to evidence for safekeeping as per Policy 84.1, Evidence and Recovered Property. The FOID and/or CCL card should be entered as "to be destroyed."
- g. The officer shall complete an "All Others' incident report in PSRMS to document the surrender of the FOID card and firearm(s). All firearms voluntarily surrendered are to be listed as personal property in the incident report. The completed FOID Card and Firearm Disposition Record shall be scanned and attached to the PSRMS incident report.
- h. The FOID Card and Firearm Disposition Record shall be forwarded to a Police Services Unit Supervisor, who will log into the ISP Law Enforcement Portal to submit the scanned disposition record and mark the subject's FOID/CCL card(s) as surrendered.

#### **14.1.12 CLEAR AND PRESENT DANGER**

- A. Pursuant to 430 ILCS 65/8.1(d)(2) of the FOID Act, 430 ILCS 66/105 of the Firearms Concealed Carry Act, and 405 ILCS 5/6-103.3 of the Mental Health and Developmental Disabilities Code law enforcement and school administrators are required to report to the ISP, within 24 hours, any individual who is determined to pose a clear and present danger to themselves or others. This practice is intended to prevent individuals within this category from having access to firearms or firearm ammunition by denying or revoking the individual's FOID/CCL.
- B. For the purposes of Clear and Present Danger Reporting requirements, an officer shall notify ISP when:

- 1. Any person arrested for a violent crime.
- 2. A person who demonstrates homicidal or suicidal threats and/or actions.
- 3. A person is named in a Petition for Involuntary Commitment by any Department employee.
- 4. Any behavior determined by sworn personnel to meet the notification criteria outlined in the statute.
- C. Clear and Present Danger requires officers notify ISP when a person poses a "clear and present danger" regardless of whether the subject has a FOID or CCL.
- D. Upon determination that a person poses a clear and present danger, the officer shall:
  - 1. Complete a PSRMS incident report detailing the events that led to the determination that the person poses a clear and present danger.
  - 2. Complete the ISP – Person Determined to Pose a Clear and Present Danger form and attach it to the PSRMS incident report.
  - 3. Submit the ISP – Person Determined to Pose a Clear and Present Danger form to ISP with the PSRMS incident report.
- E. If ISP affirms the Clear and Present Danger, the reporting officer will be notified and then be responsible for entering the affirmed subject into LEADS as a "Caution, Officer Safety."

#### **ISSUING AUTHORITY**

*Timothy T. Tyler*

Timothy T. Tyler  
Police Chief  
Champaign Police Department