



ILLINOIS STATE POLICE
Office of the Director

JB Pritzker
Governor

Brendan F. Kelly
Director

October 13, 2022

The Honorable JB Pritzker
Governor of Illinois
Statehouse, Room 207
Springfield, Illinois 62706

Dear Governor Pritzker,

Pursuant to Public Act 102-0345, the Commission on Implementing the Firearms Restraining Order Act, which was appointed on June 8, 2022, is required to “develop a model policy with an overall framework for the timely relinquishment of firearms whenever a firearms restraining order is issued.” The Act also requires that the model policy be finalized within the first four months of convening, which would be October 16, 2022. Attached please find the model policy developed by the Commission.

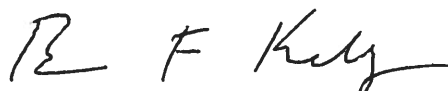
The Commission is comprised of state’s attorneys, police chiefs, sheriffs, a public defender, a judge, and representatives of the Illinois Law Enforcement Training and Standards Board, Illinois Attorney General, Illinois State Police, and Illinois Department of Public Health. Over the last four months, the members of the Commission met seven times to learn about Firearms Restraining Orders (FROs) and best practices adopted in other jurisdictions and to develop the model policy. A detailed list of the meetings is below:

June 16, 2022	Overview of the Commission’s purpose and next steps
June 30, 2022	Presentation by Cordelia Coppleson, Assistant Attorney General and Law Enforcement Training Coordinator, Illinois Attorney General’s Office, on the Firearms Restraining Order (FRO) Act
August 12, 2022	Presentation by Kimberly Wyatt, Senior Prosecutor, King County, Washington, on King County’s Extreme Risk Protection Order (ERPO) program
August 19, 2022	Presentation on FOID and Clear and Present Danger Reporting Presentation by Darren Popkin, Sheriff, Montgomery County, Maryland, on Montgomery County’s ERPO program. Presentation by Robert Berlin, State’s Attorney, DuPage County, on his office’s handling of FRO petitions.
September 14, 2022	Review of draft model policy
September 29, 2022	Review of revised model policy
October 11, 2022	Final action on model policy and discussion of next steps

In the course of the Commission's review of current law and best practices, the members identified provisions of the Firearms Restraining Order Act that need to be amended to ensure that firearms restraining orders and accompanying search warrants are served expeditiously while minimizing danger to law enforcement and the petitioner. In the coming months, the members of the Commission intend to develop a list of those concerns to share with the members of the General Assembly for consideration. (*A number of legislators and legislative staff have been joining the FRO Commission meetings.*)

We are grateful to the members of the Commission, especially Sheriff Darren Popkin, Senior Prosecutor Kimberly Wyatt, State's Attorney Robert Berlin, and Assistant Attorney General Cordelia Coppleson, for their countless hours spent providing input to the Commission on best practices and reviewing the draft policy. We look forward to continuing our efforts to enhance the use of Firearms Restraining Orders and working with the members of the General Assembly to identify specific legislative changes needed to improve the Firearms Restraining Order Act. Please let the Commission know if you have any questions.

Respectfully,



Brendan F. Kelly
Chair
Commission on Implementing the
Firearms Restraining Order Act

Enclosure

cc: House Minority Leader Jim Durkin
Senate President Don Harmon
Senate Minority Leader Dan McConchie
House Speaker Emanuel Chris Welch
Chief John Thompson

FIREARMS RESTRAINING ORDER POLICY FOR LAW ENFORCEMENT

POLICY

It is the policy of the *Law Enforcement Agency* to comply with all applicable laws and respect individuals' constitutional and due process rights when petitioning and serving Firearms Restraining Orders (FROs).

PURPOSE

The purpose of this policy is to establish procedures regarding Firearms Restraining Orders in accordance with 430 ILCS 67.

Firearms Restraining Orders (FROs) are meant to prohibit an individual from possessing a firearm, ammunition, or firearms parts where there is sufficient information to believe the individual poses an immediate and present danger of causing personal injury to themselves or other individuals by having custody or control, purchasing, possessing, or receiving a firearm, ammunition, or firearm parts that could be assembled to make an operable firearm.

Firearms Restraining Orders allow law enforcement officers and family members or household members to obtain a court order temporarily restricting an individual who is determined to be at risk of harming themselves or others from securing or maintaining access to firearms, ammunition, or firearm parts while respecting the individual's constitutional rights and providing a judicial procedure for challenging the Order.

A petition for, or the issuance of, the FRO does not in any way affect the ability of law enforcement to remove or seize firearms, ammunition, or firearm parts from any person or property as permitted by any other law.

This policy consists of the following sections:

1. **AUTHORITY**
2. **DEFINITIONS**
3. **PROCEDURES:**
 - a. **OFFICERS**
 - b. **SUPERVISORS**
4. **PETITION FOR EMERGENCY FIREARMS RESTRAINING ORDER**

5. **PETITION FOR SIX-MONTH FIREARMS RESTRAINING ORDER**
6. **SERVICE OF FIREARMS RESTRAINING ORDERS BY LAW ENFORCEMENT**
7. **SURRENDER OF FIREARMS, AMMUNITION AND FIREARM PARTS**
8. **RETURN OF FIREARMS, AMMUNITION AND FIREARMS PARTS**
9. **LAW ENFORCEMENT RESPONSIBILITY UPON TAKING POSSESSION OF FIREARMS, AMMUNITION AND FIREARM PARTS**
10. **COURT ATTENDANCE**
11. **LAW ENFORCEMENT RESPONSIBILITY UPON EXPIRATION OF A FRO**
12. **VIOLATIONS OF A FRO**
13. **TRAINING**
14. **COMMUNICATION OF POLICY**

AUTHORITY:

1. **430 ILCS 67**
2. **430 ILCS 65 sections 1.1 and 8.1(d)(2)**

DEFINITIONS:

Ammunition: A cartridge, shell, or any other device containing explosive or incendiary material designed and intended for use in a firearm.

Clear and Present Danger: Means a person who: (1) communicates 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) demonstrates 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.

Family Member of the Respondent: Spouse, former spouse, person with whom the respondent has a minor child in common, parent, child, or stepchild of the respondent, any other person related by blood or present marriage to the respondent, or a person who shares a common dwelling with the respondent.

Firearm: Any weapon which will, or is designed to, or may be readily converted to expel a projectile by the action of an explosive, to include a pistol, rifle, shotgun, starter pistol, or other portable gun.

Firearm Parts: Parts that could be assembled to make an operable firearm.

Firearms Restraining Order (FRO): An Emergency, or Six-month, protective order prohibiting the respondent from having in their custody or control, purchasing, possessing, or receiving a firearm, ammunition, and firearm parts that could be assembled to make an operable firearm and ordering the respondent to surrender to local law enforcement any firearm, ammunition, and firearm parts that could be assembled to make an operable firearm in the respondent's possession for the duration of the Order. The FRO may be an Emergency Order which will last 14 days or a Six-month order which will last six months.

Intimate Partner: A spouse, former spouse, a person with whom the respondent has or allegedly has a child in common, or a person with whom the respondent has or has had a dating or engagement relationship.

Petitioner: An individual who files a petition for an emergency or Six-month FRO. A petitioner may be any one of the following:

1. Law enforcement officer
2. Spouse of the respondent
3. Former Spouse of the respondent
4. Parent
5. Child or stepchild of the respondent
6. Any other person related by blood or present marriage to the respondent
7. A person with whom the respondent has a child in common
8. A person who shares a common dwelling with the respondent

Respondent: The individual who is identified in the petition as posing a threat or risk of harming themselves or others.

Venue: Petition must be filed in:

1. any county where the respondent resides or

2. any county where an incident occurred that involved the respondent posing an immediate and present danger of causing personal injury to the respondent or another by having in his or her custody or control, or purchasing, possessing, or receiving a firearm, ammunition, or firearm parts that could be assembled to make an operable firearm.

PROCEDURES FOR LAW ENFORCEMENT INITIATED FROs

If law enforcement is going to file a Clear and Present Determination Request, they should also determine if a FRO should be filed.

1. OFFICERS

Officers encountering an individual, who based on known circumstances, would pose a danger if they have access to a firearm, shall do the following:

- a. Evaluate/analyze the evidence gathered to determine whether the individual meets the requirements for Clear and Present Danger Reporting and report accordingly.
- b. If it has been determined that the individual has access to firearms, or if the officer has reason to believe the individual could access firearms, then the officer shall initiate a petition for a FRO.
NOTE: Evidence of access to a firearm may include that the individual possesses a valid FOID Card.
- c. Document all facts, evidence, and statements in a sworn police report.
- d. Secure any evidence as necessary and within the scope of the law.
- e. Conduct a thorough investigation.
- f. Evaluate/analyze the evidence gathered to determine whether the individual meets the requirements for a FRO.
- g. Seek approval from the officer's immediate supervisor to determine if the FRO should be requested.
- h. File the petition for the FRO directly with the court.
Note: If applicable, confer with the FRO Coordinator and/or State's Attorney's Office in your county.
- i. Present the facts to the court and attend court hearings.

2. **SUPERVISORS**

The supervisor will:

- a. Evaluate/analyze the evidence gathered to determine whether the individual meets the requirements for a FRO.
- b. Ensure officers in their work unit complete all required training.
- c. Upon notification of the need to serve a FRO and/or FRO search warrant, determine the appropriate plan for service of the FRO and/or search warrant pursuant to department policies.

PETITION FOR EMERGENCY FIREARMS RESTRAINING ORDER

The Law Enforcement Agency (petitioner) may request that an Emergency Firearms Restraining Order be issued prior to a hearing for a Six-month FRO, without notice to the respondent, by filing a petition, which contains the following:

1. Probable cause that the respondent poses an immediate and present danger of causing personal injury to themselves or others by having in their custody or control, by purchasing, possessing, or receiving a firearm, ammunition or firearms parts that could be assembled to make an operable firearm.
2. An affidavit made under oath by an officer stating the specific statements, actions, or facts that give rise to probable cause to believe the respondent is an immediate and present danger to themselves or others (evidence collected).
3. Identification of the quantities, types, and locations of all firearms and ammunition the officer believes to be in the respondent's current ownership, possession, custody, or control.
4. Identification of whether there is a known existing or previous protective order or report of Clear and Present Danger on the respondent under:
 - a. Illinois Domestic Violence Act of 1986,
 - b. Stalking No Contact Order Act,
 - c. Civil No Contact Order Act,
 - d. Firearms Restraining Order Act or under any other applicable statute.
 - e. Workplace Violence Prevention Act (820 ILCS275/5)
 - f. Clear and Present Danger Reporting (430 ILCS 65/8.1)

5. If the respondent is alleged to pose an immediate and present danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, the petitioner shall make a good faith effort to provide notice to intimate partners of the respondent who have been the target of a threat or act of violence.
 - a. The notice must include that the petitioner intends to petition the court for a Six-month FRO, and referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate.
 - b. The petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If, after making a reasonable effort, the petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.
6. Identify the address of record on the petition as being the location/address of respondent.
 - a. In considering whether to issue an Emergency FRO, the court shall consider all relevant evidence, including, but not limited to, any of the following:
 - i. The unlawful and reckless use, display, or brandishing of a firearm
 - ii. History of threatened, attempted, or actual physical force against another person
 - iii. Prior arrest for a felony offense
 - iv. Evidence demonstrating abuse of alcohol or controlled substances
 - v. Recent threat or act of violence directed toward self or others
 - vi. Violation of a protective order currently in effect or unexpired
 - vii. A pattern of violent acts or violent threats, including but not limited to, threats of violence or acts of violence by the respondent directed toward themselves or another
 - viii. A history of violating protective orders
 - ix. Convictions for any crime that prohibits purchase and possession of firearms under Illinois law

NOTE: The petition should include as many of these factors as are demonstrated.

7. Upon receipt of the petition, the court must hold an Emergency FRO hearing on the day the petition is filed or on the business day immediately following the day the petition is filed.
8. If the court finds there is probable cause to believe that the respondent poses an immediate and present danger of causing personal injury to themselves or others in the near future by having in his/her custody or control, or by purchasing, possessing, or receiving, a firearm, ammunition or firearm parts, the court must issue an Emergency FRO pending the Six-month FRO hearing. The Six-month FRO Hearing must be held no later than 14 days after the date of the Emergency FRO.
9. If the court issues an Emergency FRO, it shall, upon a finding of probable cause that the respondent possesses firearms, ammunition, or firearm parts, issue a search warrant directing a law enforcement agency to seize the respondent's firearms, ammunition, and firearm parts.
10. The court may, as part of the warrant, direct the law enforcement agency to search the respondent's residence and other places where the respondent is likely to possess the firearm. (See Service Section of this policy for execution of warrant).
11. Upon receipt of a petition, the court must order a hearing to be held no later than 14 days from receipt and must issue a notice of hearing to the respondent for the Six-month FRO hearing.
12. A Six-month FRO hearing date should be set by the judge once the Emergency FRO is entered.
13. An Emergency FRO ends upon the court hearing on the Six-month FRO petition.

PETITION FOR SIX-MONTH FIREARMS RESTRAINING ORDER

The Department may petition the court for a Six-month FRO. The petition should contain the following:

1. Clear and convincing evidence that the respondent poses significant danger of causing personal injury to themselves or others in the near

- future by having in their custody or control, by purchasing, possessing, or receiving a firearm, ammunition, or firearms parts.
2. An affidavit made under oath by an officer stating the specific statements, actions, or facts to believe the respondent is a significant danger to themselves or others in the near future (evidence collected).
 3. Identification of the quantities, types, and locations of all firearms and ammunition the officer believes to be in the respondent's current ownership, possession, custody, or control.
 4. Identification of whether there is a known existing or previous protective order or report of Clear and Present Danger on the respondent under:
 - a. Illinois Domestic Violence Act of 1986,
 - b. Stalking No Contact Order Act,
 - c. Civil No Contact Order Act,
 - d. Firearms Restraining Order Act or under any other applicable statute.
 - e. Workplace Violence Prevention Act (820 ILCS275/5)
 - f. Clear and Present Danger Reporting (430 ILCS 65/8.1)
 5. If the respondent is alleged to pose a danger of causing personal injury to an intimate partner, or an intimate partner is alleged to have been the target of a threat or act of violence by the respondent, the petitioner shall make a good faith effort to provide notice to any and all intimate partners of the respondent who have been the target of a threat or act of violence.
 - a. The notice must include that the petitioner intends to petition the court for a Six-month FRO, and referral to relevant domestic violence or stalking advocacy or counseling resources, if appropriate.
 - b. The petitioner shall attest to having provided the notice in the filed affidavit or verified pleading. If, after making a good faith effort, the petitioner is unable to provide notice to any or all intimate partners, the affidavit or verified pleading should describe what efforts were made.
 6. Identify the address of record on the petition as being the location/ address of respondent.

- a. In considering whether to issue a Six-month FRO, the court shall consider all relevant evidence, including, but not limited to, any of the following:
 - i. The unlawful and reckless use, display, or brandishing of a firearm
 - ii. History of threatened, attempted, or actual physical force against another person
 - iii. Prior arrest for a felony offense
 - iv. Evidence demonstrating abuse of alcohol or controlled substances
 - v. Recent threat or act of violence directed toward self or others
 - vi. Violation of a protective order currently in effect or unexpired
 - vii. A pattern of violent acts or violent threats, including but not limited to, threats of violence or acts of violence by the respondent directed towards themselves or another.
 - viii. A history of violating protective orders
 - ix. Convictions for any crimes that prohibits the purchase and possession of firearms under Illinois law

NOTE: The petition should include as many of these factors as are demonstrated.

7. If a petition for an Emergency FRO has not previously been filed with the court, the Department may still petition the court for a Six-month FRO.
8. The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent.
9. During the final hearing, if the court finds by clear and convincing evidence that the respondent poses a significant danger of causing personal injury to themselves or others in the near future by having in his/her custody or control, or by purchasing, possessing, or receiving, a firearm, ammunition, or any firearms parts that could be assembled to make an operable firearm, the court must issue a FRO for a period of six months.
10. If the court issues a Six-month FRO, it shall, upon a finding of probable cause that the respondent possesses firearms, ammunition, or firearm

parts, issue a search warrant directing a law enforcement agency to seize the respondent's firearms, ammunition, and firearm parts.

11. The court may, as part of the warrant, direct the law enforcement agency to search the respondent's residence and other places where the respondent is likely to possess the firearm. (See Service Section of this policy)

SERVICE OF FIREARMS RESTRAINING ORDERS BY LAW ENFORCEMENT

The clerk of the court is required to furnish a copy of the notice of hearing, petition, and Emergency FRO or Six-month FRO, as applicable, to the law enforcement agency which submitted the petition, who shall serve it upon the respondent as soon thereafter on any day of the week and at any time of the day or night.

1. All FRO, summons and/or search warrants should be served pursuant to appropriate department policies. In addition, officers should consult with the appropriate Illinois State Police gun liaison officer.
2. Immediately upon receipt of an Emergency or Six-month Order, law enforcement officers shall attempt to serve the Order on the respondent.
3. Law enforcement officers shall make reasonable efforts to secure any firearm(s), ammunition, FOID card, and Concealed Carry License in the respondent's possession and complete a Firearm Disposition Record. The Firearm Disposition Record should be uploaded to the Illinois State Police Law Enforcement Portal.
4. Consent Search: Although every situation is different, when a FRO has been issued, law enforcement officers may subsequently develop information that firearms, ammunition, and/or firearms parts are in the possession of the respondent, the petitioner, or other individuals. In this case, the petitioner or other individuals may have the legal authority to give consent to the law enforcement officers and allow law enforcement officers access into the home or other locations to secure any firearms and/or ammunition. The respondent may also have the legal authority to give law enforcement officers consent to search the home or other locations.
5. Search Warrant: Law enforcement officers, during their investigations, may develop probable cause to apply to the court for an order to search

a specific location or locations in situations where the respondent has failed to surrender firearms and/or ammunition.

6. Unless the respondent was present in court when the order was issued, the sheriff or other law enforcement official shall promptly serve that order upon the respondent and file proof of service, in the manner provided for service of process and civil proceedings.
7. Any order renewing or terminating any firearm restraining order shall be promptly recorded, issued, and served as provided in this section by the clerk's office.
8. Each FRO shall be entered into the law enforcement agencies data system (LEADS), as soon as possible after the receipt from the clerk, unless exigent circumstances exist.
 - a. The Illinois State Police shall maintain a complete and systematic record and index of all valid and recorded firearms restraining orders issued or filed under this act.
 - b. The data shall be used to inform all dispatchers and law enforcement officers at the scene of a violation of a Firearms Restraining Order of the effective dates and terms of any recorded FRO.
 - c. The data, records, and transmittals required under this section shall pertain to any valid emergency or Six-month FRO, whether issued in a civil or criminal proceeding or authorized under the laws of another state, tribe, or United States territory.

LAW ENFORCEMENT RESPONSIBILITY FOR SURRENDER OF FIREARMS, AMMUNITION, AND FIREARMS PARTS

Upon issuance of an Emergency or Six-month FRO, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition owned by the respondent or in the respondent's custody, control, or possession.

1. The respondent shall also surrender to law enforcement their FOID Card and Concealed Carry License, complete a Firearm Disposition Record, and upload it to the Illinois State Police Law Enforcement Portal.
2. The law enforcement officer serving a FRO or a search warrant under this section, including an Emergency FRO, shall request the respondent immediately surrender all firearms and ammunition owned by the

respondent in their custody, control, or possession and any FOID Card or Concealed Carry License.

3. A law enforcement officer shall take possession of all firearms and ammunition owned by the respondent and any FOID Card or Concealed Carry License belonging to the respondent, complete a Firearm Disposition Record, and upload it the Illinois State Police Law Enforcement portal.
4. All firearms, ammunition and licenses surrendered to the Department shall be handled and stored in accordance with agency Evidence and Property Procedures.
5. Law Enforcement *shall immediately* mail the FOID Card and/or Concealed Carry License, and if firearms were retrieved, a Firearms Disposition Record, to the Illinois State Police Firearms Services Bureau for safekeeping.

FRO SEARCH WARRANT PROCEDURE

If the court issues a search warrant with the FRO, it directs the law enforcement agency to search the respondent's residence and other places where the court finds there is probable cause to believe he or she is likely to possess firearms.

1. If the judge approves a search warrant, the officer responsible for conducting the search shall file a Return of Search Warrant with the Court within four days of the search warrant being completed.
2. If the judge signs a search warrant for a location outside the police department's jurisdiction, officers shall contact law enforcement with jurisdiction to coordinate the safe implementation of that search warrant.
3. At the time of surrender or seizure, a law enforcement officer taking possession of any firearm or ammunition owned by the respondent, FOID Card, or Concealed Carry License, shall issue an Illinois State Police Firearms Disposition Record identifying all firearms, the quantity and type of ammunition, and/or license that have been surrendered or seized, and shall provide a copy of the Illinois State Police Firearms Disposition Record to the respondent.
4. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the FRO hearing, the respondent must surrender any firearms and

ammunition owned by the respondent, their FOID Card and Concealed Carry License, if applicable, in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present.

5. Within 4 days after service of the order, the law enforcement officer serving the order shall file the original Illinois State Police Firearms Disposition Record with the court, ensure that their law enforcement agency retains a copy of the Illinois State Police Firearms Disposition Record, and upload it to the Illinois State Police Law Enforcement Portal.

LAW ENFORCEMENT RESPONSIBILITY UPON TAKING POSSESSION OF FIREARMS, AMMUNITION OR FIREARMS PARTS

Law Enforcement Officers or other Agency personnel coming into possession of firearms and/or ammunition in accordance with a FRO shall, at the time of surrender or seizure, handle all evidence in accordance with their department's evidence handling procedures.

1. Prior to arrival at Evidence Room, render all firearms safe by removing any ammunition and opening the action.
2. Utilize a zip-tie to ensure the firearm is unloaded, the action is clear, and it cannot chamber ammunition.
3. Fill out an Illinois State Police Firearms Disposition Record identifying the make, model, and serial number of all firearms, ammunition, and firearm parts that could be assembled to make an operable firearm seized or surrendered as a result of a FRO;
 - a. Provide a copy of the Illinois State Police Firearms Disposition Record to the Respondent;
 - b. Retain a copy of the Illinois State Police Firearms Disposition Record for the Agency's records;
 - c. Provide information to the Respondent on the process for retaking possession of the firearms and/or ammunition on the expiration or termination of the Order; and
 - d. Transport and store any firearms (in a protective case if available) or ammunition surrendered or seized in accordance with the FRO.
 - e. All firearms seized should be run through LEADS and NCIC.

4. Firearms Submission / Ammunition Submission
 - a. Evidence Handling Procedures May Include:
 - i. Required Forms/Documents
 - ii. All submissions of firearms require:
 - a. Property Receipt
 - b. Firearms Envelope
 - c. Property Tag
 - d. Envelope (for ammunition), and
 - e. Request for Firearms Examination
 - f. ISP Firearm Disposition Form
 - b. Handguns
 - i. Ensure the handgun is unloaded.
 - ii. Place any loose ammunition into an envelope.
 - iii. Place the handgun and any magazines into the completed Firearms Envelope.
 - iv. Place a property tag and any ammunition into the Firearms Envelope.
 - a. If ammunition is in the original box or container, place it into the firearms envelope with the handgun.
 - b. If the ammunition box or container is too large to fit in the Firearms Envelope, place it into a separate brown paper bag.
 - c. Complete a Property Tag and affix it to the brown paper bag.
 - c. Long Guns
 - i. Ensure the firearm is unloaded.
 - ii. Place any loose ammunition into the small white envelope.
 - iii. Affix the Property Tag to the firearm.
 - d. Bulk Ammunition or additional ammunition not accompanying a firearm submission shall be submitted as General Property.

LAW ENFORCEMENT RESPONSIBILITY UPON REQUEST OF FIREARMS BY ANOTHER PARTY (NOT THE RESPONDENT):

After adjudication in certain circumstances, and with a court order, firearms may be returned to an individual other than the respondent, while the Firearms Restraining Order is still valid, under these conditions:

1. Rightful Owner of the Firearms Petitions to have their Firearms Returned:
 - a. The claimant is not prohibited from possessing a firearm, as determined through a background investigation.
 - b. The claimant must comply with all requests for documentation to have their firearm(s) returned. Included but not limited to:
 - i. A valid FOID Card or Concealed Carry License
 - ii. Court order indicating that the firearms are to be released
 - iii. Affidavit of the person taking the firearms if not the Respondent. The affiant must swear that he/she shall not transfer the firearm, ammunition, or firearm parts to the Respondent and will store the firearm, ammunition, or firearm parts in a manner that the respondent does not have access or control of the firearm, ammunition, or firearm parts.
2. Respondent Petitions to have an Individual take Respondent's Firearms:
 - a. The individual that Respondent would like to take possession of the firearms, ammunition or firearms parts is not prohibited from possessing a firearm, as determined through a background investigation.
 - b. The individual that Respondent would like to take possession of the firearms, ammunition or firearms parts is must comply with all requests for documentation to have the firearm(s) released to their custody. Included but not limited to:
 - i. A valid Firearms Owner Identification Card (FOID) or concealed carry license
 - ii. Court order indicating that the firearms are to be released
 - iii. Affidavit of the person taking the firearms if not the Respondent. The affiant must swear that he/she shall not transfer the firearm, ammunition, or firearm parts to the Respondent or anyone residing in the same residence as the Respondent.

LAW ENFORCEMENT RESPONSIBILITY UPON EXPIRATION OF FRO:

Upon the expiration or termination of a FRO:

1. The Agency may notify the Respondent that the Respondent may request the return of the firearms and/or ammunition.
2. Before releasing firearms and/or ammunition to the Respondent, the Agency shall verify that the Respondent is not otherwise prohibited from possessing firearms and/or ammunition.
3. Upon request of the Respondent who is not otherwise prohibited from possessing firearms and/or ammunition, the Agency shall return the firearms and/or ammunition to the Respondent.
4. A Respondent who does not wish to recover firearms and/or ammunition or who is otherwise prohibited from possessing firearms and/or ammunition may sell or transfer the firearms and/or ammunition to:
 - a. A Federal Firearms Licensed (FFL) Dealer (the FFL must provide written proof that the Respondent has agreed to transfer the firearms and/or ammunition to the dealer and this Agreement must be verified with the Respondent and the verification documented in writing);
 - b. Another person who is not prohibited from possessing the firearms and/or ammunition under state and/or Federal Law and who does not reside in the same residence as the Respondent (the person must provide written proof that the Respondent has agreed to transfer the firearms and/or ammunition to the person and the Agreement must be verified with the Respondent and the verification documented in writing); or
 - c. Request the Agency to destroy the firearms and/or ammunition.
5. If an individual other than the Respondent claims ownership of a firearm and/or ammunition surrendered or seized as a result of an FRO, the Agency shall only release the firearm and/or ammunition to the individual if:
 - a. The individual provides proof of ownership of the firearms and/or ammunition; and
 - b. The Agency determines the individual is not otherwise prohibited from possessing the firearm and/or ammunition.

6. In the event a firearm and/or ammunition is not reclaimed within six (6) months after the FRO has expired, no party shall have the right to assert ownership of the firearm and/or ammunition.
7. If the firearms, ammunition, and firearm parts that could be assembled to make an operable firearm or FOID Card and Concealed Carry License cannot be returned to the respondent because the respondent cannot be located, fails to respond to requests to retrieve the firearms, or is not lawfully eligible to possess a firearm, ammunition, or firearm parts that could be assembled to make an operable firearm, upon petition from the local law enforcement agency, the court may order the local law enforcement agency to destroy the firearms, ammunition, or firearm parts, use the firearms, ammunition, and firearm parts for training purposes, or use the firearms, ammunition, and firearm parts for any other application deemed appropriate by the local law enforcement agency.

COURT ATTENDANCE

Officers who apply for an Emergency or Six-month FRO will be required to:

1. Attend the court proceeding(s).
2. Work with the FRO Coordinator and state's attorney to contact witnesses prior to the scheduled hearing and request they attend
NOTE: Time constraints may not allow sufficient time to subpoena witnesses.
3. If an Emergency FRO is issued, working with the FRO Coordinator and state's attorney, the law enforcement officer or agency should make reasonable efforts to assure that witnesses for the hearing on the Six-month FRO hearing are subpoenaed.

VIOLATIONS OF A FRO

Law enforcement officers **shall arrest**, with or without an arrest warrant, any person whom the law enforcement officer has probable cause to believe is in violation of an Emergency or Six-Month FRO in effect at the time of the violation.

TRAINING

All police officers will undergo training on Firearms Restraining Orders.

1. The training shall include identification of situations where a FRO would be appropriate, and the process used to file one.
2. The training must be approved by the Illinois Law Enforcement Training and Standards Board.
3. This training will be required every year.

COMMUNICATION OF POLICE

Supervisors shall be responsible for communication of this Order to their subordinates and for ensuring compliance. This Order is effective on the date of publication.