

## **New Firearms Owner's Identification (FOID) Law Mandated Reporting**

Certain mental health professionals are required to report a patient whose "mental condition is of such a nature that it is manifested by violent, suicidal, threatening, or assaultive behavior or reported behavior, for which there is reasonable belief that the condition poses a clear and present or imminent danger to the patient, any other person or the community." There is immunity for person's making a good faith report. The Report ultimately goes to the State Police, which will make a determination about whether this person's Firearm's ID should be revoked or an application is approved.

The reporting process is monitored by the Illinois Department of Human Services (DHS).

Although DHS does not administer the Firearm Owner's Identification (FOID) in Illinois, DHS does play an important role in the activities that go into implementing the FOID program.

To read about the FOID Act look at the 2007 Public Act 095-0564 (<http://www.ilga.gov/legislation/publicacts/fulltext.asp?name=095-0564&GA=095>), which mandates reporting by public and private mental health facilities and private practitioners

and Public Act 095-0581 (<http://www.ilga.gov/legislation/publicacts/fulltext.asp?name=095-0581&GA=095>), which describes "adjudication as a mental defective."

Please note in the above acts that "who must report" was expanded beyond inpatient hospital settings to include a number of other entities. These amendments also changed what information is reported and **requires reporting within 7 days** rather than 30 days.

Reporting is accomplished via a web based system, called the FOID Reporting System, developed and maintained by DHS. DHS is responsible for comparing the data reported against the Illinois State Police FOID files to identify possible matches. The Illinois State Police is then responsible for investigating and processing the application for the FOID card.

DHS monitors compliance with reporting requirements and reports deficiencies to the Office of the Illinois Attorney General, Department of Financial and Professional Regulations, and other state authorities as needed.

Although there is some debate, it appears that Licensed Clinical Psychologists are required to report.

The reporting system is online. You will need to register at the state site, but not until you need to make a report. Here is a link to the site:

<https://www.foid.dhs.illinois.gov/foidpublic/foidapp/registration/DisplayAddClinicianData.do>

The following is a link to the FOID User Manual:

<http://www.dhs.state.il.us/page.aspx?item=37840>

If you have questions you can email the Department at [DHS.FOID@Illinois.Gov](mailto:DHS.FOID@Illinois.Gov)