

ILLINOIS STATE POLICE Office of the Director

Bruce Rauner

February 27, 2017

Leo P. Schmitz Director

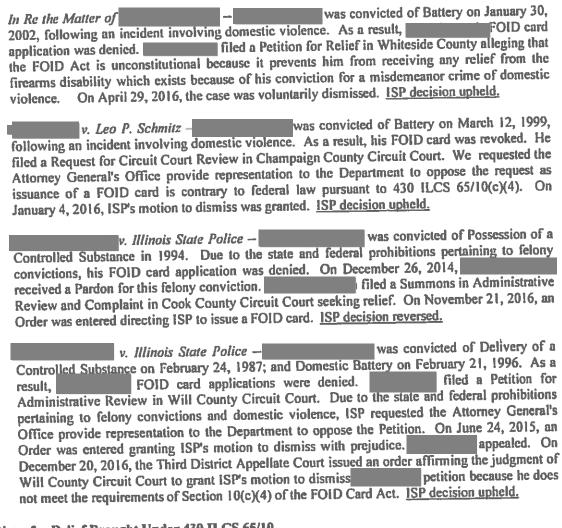
The Honorable Bruce Rauner Office of the Governor 207 State House Springfield, Illinois 62706

Dear Governor Rauner:

In accordance with 430 ILCS 65/11, a report listing "all final decisions by a court of this State upholding, reversing, or reversing in part, any administrative decisions made by the Department of State Police" concerning the Firearm Owner's Identification (FOID) Card Act must be submitted to you and the General Assembly. The Illinois State Police (ISP) received 35 decisions from the court during calendar year 2016, with respect to FOID card litigation. The following is a summary of those cases, including information regarding those that remain pending on appeal.

Administrative Review Cases

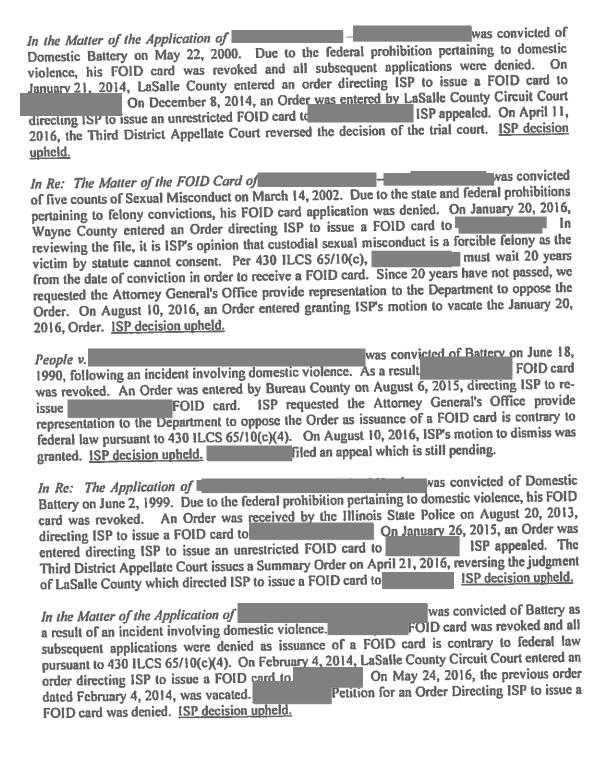
Seven decisions were issued in cases brought as an Administrative Review action. In six cases, the ISP decision was upheld. In one case, the ISP decision was reversed.
v. State of Illinois, et al. — was convicted of Disorderly Conduct on September 18, 2007, subsequent to an incident involving domestic violence. His FOID card application was denied as issuance of a FOID card is contrary to federal law pursuant to 430 ILCS 65/10(c)(4). He filed a Complaint for Administrative Review seeking relief. On July 18, 2016, the case was dismissed without prejudice. ISP decision upheld.
v. Director of the Illinois State Police — was convicted of Possession of a Controlled Substance in 1994. Due to the state and federal prohibitions pertaining to felony convictions his FOID card application was denied. He filed a Summons in Administrative Review and Petition in Kane County Circuit Court seeking relief. On August 25 2016, an Order was entered granting plaintiff's oral motion to voluntarily dismiss his petition ISP decision upheld.
v. Illinois State Police, et al. — was convicted of Aggravated Battery/Great Bodily Harm (forcible felony) on October 17, 2002. Due to the state and federal prohibitions pertaining to felony convictions, her FOID card application was denied filed a Complaint for Administrative Review in Cook County Circuit Court seeking relief. On January 27, 2016, ISP's motion to dismiss was granted. ISP decision upheld.



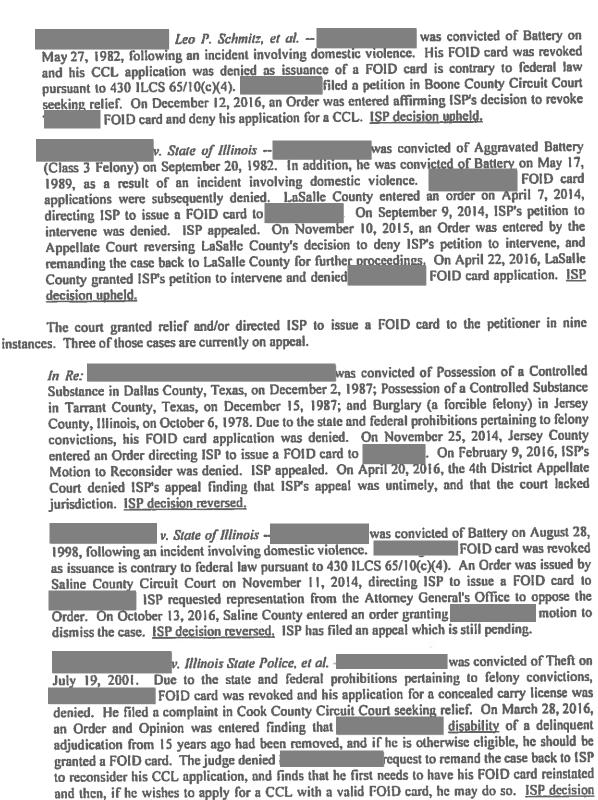
Petitions for Relief Brought Under 430 ILCS 65/10

In 17 cases, the petitioner sought relief from the relevant firearm prohibition and/or an order directing ISP to issue a FOID card in the Circuit Court under the provisions of 430 ILCS 65/10. In those cases, the court denied or dismissed the petitioner's request in 8 instances. One of those cases is currently under appeal.

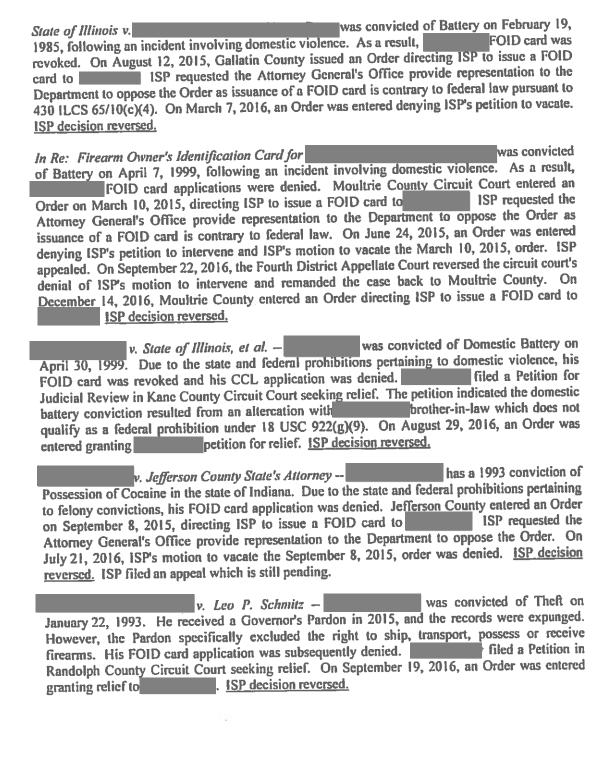
v. Greene County State's Attorney's Office — was convicted of Domestic Battery on October 5, 2007. As a result, his FOID card applications were denied. Greene County entered an Order on April 14, 2014, directing ISP to issue a FOID card to Due to the state and federal prohibitions pertaining to domestic violence, ISP requested the Attorney General's Office provide representation to the Department to oppose the Order. On January 6, 2015, an Order was entered granting ISP's motion to vacate the order previously entered on April 14, 2014. Petition for relief from possessing a firearm was denied. Papealed. On March 31, 2016, an Opinion was issued affirming the Circuit Court's judgment to vacate their previous order and deny petition for a FOID card. ISP decision upheld.

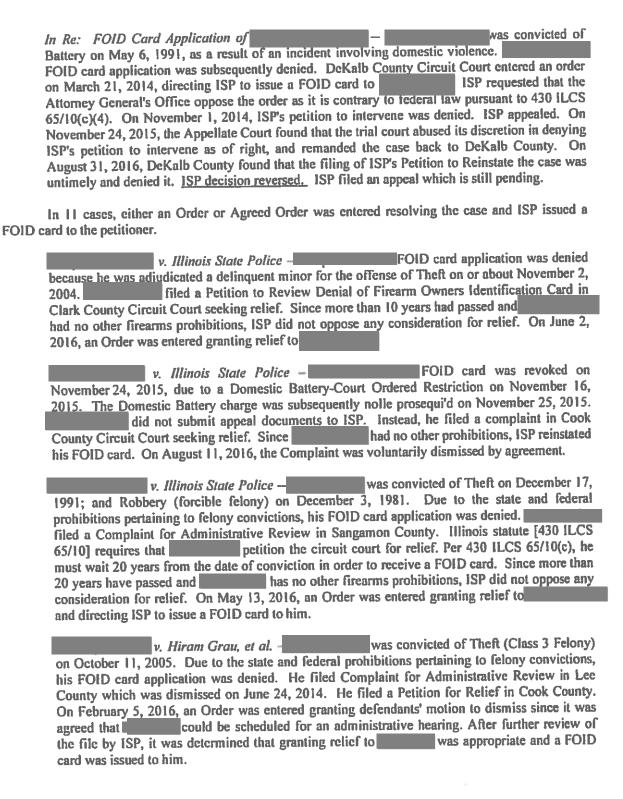


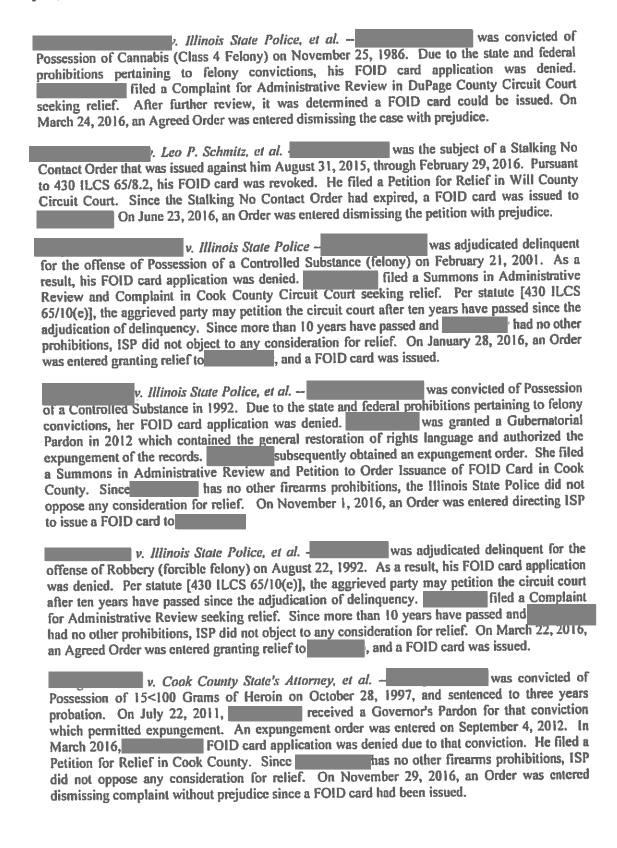
reversed.



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v. Illinois State Police, et al. — was convicted of DUI Alconov/Drugs on September 23, 2010, and Aggravated Driving Under the Influence Death to Another and Involuntary Manslaughter/Reckless Homicide on November 30, 2010. Due to the state and federal prohibitions pertaining to felony convictions, his FOID card application was denied. He filed a Petition for Judicial Review of Administrative Decision in Jersey County. On February 5, 2015, the Motion to Dismiss was granted since it was established that right to review before the ISP Director had not expired and would be accepted. An administrative hearing was held on May 17, 2016. An Order was signed by ISP Director Schmitz on June 29, 2016, which granted issuance of a FOID card to

Please contact me should you have any questions pertaining to this information.



cc: Honorable John J. Cullerton
Honorable James Durkin
Honorable Christine Radogno
Honorable Michael J. Madigan