

ILLINOIS REGISTER

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ILLINOIS STATE POLICE

AGENCY RESPONSE TO JOINT COMMITTEE ON ADMINISTRATIVE RULES  
STATEMENT OF OBJECTION TO PROPOSED RULEMAKING

January 30, 2024

Agency: Illinois State Police

Heading of the Part: Firearm Owner's Identification Card Act

Code Citation: 20 Ill. Adm. Code 1230

Register Citation: 47 Ill. Reg. 13846; September 29, 2023

Agency Response to Joint Committee Statement of Objections:

At its meeting on January 16, 2024, the Joint Committee on Administrative Rules objected to the Illinois State Police's proposed rulemaking titled Firearm Owner's Identification Card Act (20 Ill. Adm. Code 1230; 47 Ill. Reg. 13846) because the rulemaking does not meet the criteria under 1 Ill. Adm. Code 220.900(a)(2)(E), which requires a rule to be simple and clear so that the rule can be understood by the persons and groups the rule affects, and the rule contains definitions that are subjective and open to broad interpretation by an enforcing jurisdiction, which leaves the regulated public without clear direction on how to comply with the rule.

To the Committee's point that the rulemaking does not meet the criteria under 1 Ill. Adm. Code 220.900(a)(2)(E), which requires a rule to be simple and clear so that the rule can be understood by the persons and groups the rule affects, the Department disagrees. The Illinois State Police took extensive steps to make the rule as simple and clear as possible so it could be understood by the persons and groups the rule affects, within the language of the law, including but not limited to holding no less than three public hearings in three different locations throughout the state, adding no less than 11 definitions to the proposed rulemaking, adding a detailed guide to its website, adding 78 FAQs to its website, and answering/responding to hundreds of public comments/questions during the rulemaking process. ISP staff was very transparent, responsive, and diligent. The Illinois State Police has received more positive feedback about its efforts and updates than negative since the first notice period ended.

Second, to the Committee's point that the rule contains definitions that are subjective and open to broad interpretation by enforcing jurisdictions thereby leaving the regulated public without clear direction on how to comply, the Department also disagrees. The Illinois State Police reiterates that it took extensive steps to provide the regulated public with clear direction on how to comply. Again, ISP held no less than three public hearings in three different locations throughout the state, added no less than 11 definitions to the proposed rulemaking, added a detailed guide to its

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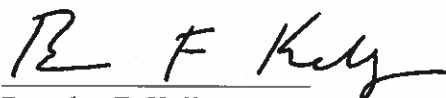
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website, added 78 FAQs to its website, and answered/responded to hundreds of public comments/questions during the rulemaking process. Overall, the Department has incorporated *all* suggestions requested by the Committee except one change related to record retention and the constitutionality of the statute, which the Committee acknowledged has never been addressed in rule prior.

The Department appreciates the input from JCAR, stakeholders, and the public in developing rules that implement the Act.



Brendan F. Kelly  
Illinois State Police