



ILLINOIS

EMERGENCY FIREARMS RESTRAINING ORDER

A GUIDE TO THE PROCESS



**Bloomberg American
Health Initiative**

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ILLINOIS

Emergency Firearms Restraining Order Process

FILE AN EMERGENCY FIREARMS RESTRAINING ORDER (EMERGENCY FRO) PETITION

During court hours, petitioner goes to Circuit Court where the respondent resides and files a petition for an emergency FRO, explaining why the respondent poses an *immediate and present* danger of causing personal injury to self or another.

If the petition alleges that the respondent poses an immediate and present danger of causing personal injury to an intimate partner*, or that an intimate partner is 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.

ASSESS EMERGENCY FRO PETITION

An emergency hearing is held on an *ex parte* basis on the same day that the petition is filed or the next day that the court is in session to determine whether to issue an emergency FRO.

The court will issue a search warrant (upon a finding of probable cause that the respondent possesses firearms) at the emergency FRO hearing to facilitate law enforcement's dispossession of the firearms.

IF AN EMERGENCY FRO IS ISSUED, SERVE THE ORDER

Within 7 days, sheriff or other law enforcement official serves the respondent with a summons, a copy of the petition, any supporting materials, and a copy of the emergency FRO.

COMPLY WITH EMERGENCY FRO, DISPOSSESS FIREARMS

When an emergency FRO is served, respondent turns over to law enforcement any firearm, Firearm Owner's Identification (FOID), card and concealed carry license in their possession.

Law enforcement immediately mails the FOID card and concealed carry license to the Department of State Police Firearm Services Bureau for safekeeping.

UPDATE BACKGROUND CHECK SYSTEM

As soon as possible after receiving emergency FRO from the clerk, law enforcement enters the emergency FRO into the Law Enforcement Agencies Data System (LEADS).

Authorized petitioners in Illinois include:

- Family members (including a spouse, parent, child, or step-child 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)
- Law enforcement

PROCEED WITH SIX-MONTH FRO HEARING

No more than 14 days from the issuance of the emergency FRO, a hearing will be held where the respondent will have an opportunity to be heard, and the petitioner must prove that the respondent poses a significant danger of causing personal injury to self or another by having in their custody or control, purchasing, possessing, or receiving a firearm.

IF SIX-MONTH FRO IS ISSUED

If the respondent is present at the hearing, they will receive the six-month FRO while in court.

If the respondent is not present at the six-month FRO hearing, law enforcement will promptly serve the respondent with the order and file proof of service.

Law enforcement may also serve the respondent with short form notification.

Law enforcement enters the six-month FRO into LEADS.

IF A SIX-MONTH FRO IS NOT ISSUED

If an emergency FRO is terminated and a six-month FRO is not issued, (1) the emergency FRO will dissolve, (2) the firearms, FOID card and concealed carry license, if unexpired, are returned to the respondent if a lawful possessor, and (3) law enforcement updates LEADS.

TERMINATE OR RENEW FRO

If court issues a six-month FRO, respondent may request one termination hearing during the period of the order.

A petitioner may request a renewal of a six-month FRO at any time within three months before the expiration of a six-month FRO.

A renewed order shall be in effect for six months, subject to further renewal or termination by order of the court.

UPDATE BACKGROUND CHECK SYSTEM

At expiration or termination of six-month FRO, law enforcement updates LEADS.

RETURN FIREARMS

The firearms, FOID card, and concealed carry license, if unexpired, must be returned to the respondent after the six-month FRO is terminated or expired if respondent is a lawful possessor.

In Illinois, petitioners may begin the FRO process by requesting an emergency FRO or by requesting a six-month FRO. The difference between the two depends on whether the threatened violence is imminent and requires immediate intervention as provided by an emergency FRO or the threatened violence is not imminent and therefore intervention can wait for a six-month FRO hearing that involves the respondent.

*In Illinois, an "intimate partner" includes a: spouse, former spouse, person with child in common with respondent, and person in current or former dating relationship with the respondent.