



ILLINOIS

SIX-MONTH FIREARMS RESTRAINING ORDER

A GUIDE TO THE PROCESS



**Bloomberg American
Health Initiative**

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ILLINOIS

Six-Month Firearms Restraining Order Process

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

FILE A SIX-MONTH FIREARMS RESTRAINING ORDER (SIX-MONTH FRO)

During court hours, petitioner goes to the Circuit Court in the jurisdictions where the respondent resides and files a petition for a six-month FRO, explaining why the respondent poses a significant danger in the near future of causing personal injury to self or another.

If the petition alleges that the respondent poses a significant 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.

SERVE NOTICE OF THE SIX-MONTH FRO HEARING

Sheriff, coroner, private detective, special investigator, or any person over the age of 18 appointed by the court serves the respondent with notice of the six-month FRO hearing.

PROCEED WITH SIX-MONTH FRO HEARING

Within 30 days of the filing of the petition, 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 A SIX-MONTH FRO IS ISSUED

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

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

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

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

UPDATE BACKGROUND CHECK SYSTEM

On the same day the six-month FRO is issued in court, law enforcement enters the six-month FRO into the Law Enforcement Agencies Data System (LEADS).

COMPLY WITH SIX-MONTH FRO, DISPOSSESS FIREARMS

When a six-month FRO is issued, 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 Illinois Department of State Police Firearm Services Bureau for safekeeping.

TERMINATE OR RENEW FRO

If the 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 a six-month FRO, law enforcement updates LEADS.

RETURN FIREARMS

The firearms, FOID card, and concealed carry license, if unexpired, must be returned by law enforcement 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.