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TOP STORY

Lawsuits stack up as FOID delays reach an average of 116 days

By Greg Bishop | The Center Square
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An assortment of firearms are seen for sale at Capitol City Arms Supply in Springfield in 2013.

AP Photo/Seth Perlman

(The Center Square) – The delays for Firearm Owner Identification Cards are getting longer, up to an average of 116 days. They're even longer for concealed carry cards.

As the backlogs increase, lawsuits against the state are also stacking up.

Illinois State Police say the average time for FOID card processing is 116.35 days. FOID cards are supposed to be processed within 30 days.

For Concealed Carry Licenses with fingerprints to go with the applications, ISP said the average time is 129.9 days. Without fingerprints with the application, it's 154.19 days.

The state is facing 12 active lawsuits over the delays, the Illinois State Rifle Association said. The group filed one in federal court on Tuesday.

"These delays have gone on long enough. We had hoped to avoid litigation, but at this moment, we have no choice," the association said in a statement. "This is not an issue of funding as money has been allocated to ISP for issuing FOID cards. When it was unused, it was returned to the state's general fund."

Delays in processing FOID cards have been a problem since before the COVID-19 pandemic. In January, about 62,000 applications were backlogged with some people waiting eight months or longer. Six months later, officials reported nearly 64,000 backlogged applications. As of Tuesday, Illinois State Police reported 142,324 pending FOID applications.

State Rep. Dan Caulkins, R-Decatur, said the backlog has been compounded by the pandemic and it's denying people their rights.

"[ISP] can't meet their constitutional, and I say the United States' constitution, they can't meet their requirements," Caulkins said.

The Second Amendment in the Bill of Rights says in part "the right of the people to keep and bear arms shall not be infringed."

ISRA Executive Director Richard Pearson said it's been months for some and "a right delayed is a right denied."

"This is a right, whether people like it or not," he said. "It's in the Bill of Rights and it is a fundamental right and you're denying these people their fundamental rights because you're delaying them."

With tens of thousands of backlogged FOID and concealed carry cards, some consumers have reported they can't buy guns and ammunition. That's despite ISP filing an emergency rule to make expired cards valid during the pandemic and for 12 months after. However, some retailers won't accept expired cards.

“The ISP Firearms Services Bureau encourages FOID cardholders and CCL holders to keep a copy of their confirmation from their submitted renewal application as additional verification of compliance,” ISP spokesperson Mindy Carroll said.

But it’s not just brick-and-mortar stores that may deny a sale in the case of an expired card. Pearson said some may be out of luck online too.

“They can’t get it locally and so they have to try to order [from an internet retailer] and they can’t get it because they don’t have a valid FOID,” he said.

Caulkins said he continues to hear from constituents about the problems.

“It’s case-by-case it seems, it’s different retailers have different standards,” Caulkins said. “And, yeah, they’re all scared to death.”

Earlier this year, under penalty of law, Illinois gun dealers had to comply with new state regulations to get a state license. Many dealers closed because the regulations were more onerous than federal regulations.

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Greg Bishop reports on Illinois government and other statewide issues for The Center Square. Bishop has years of award-winning broadcast experience, and previously hosted “Bishop On Air,” a morning-drive current events talk show.