



Legal Community Against Violence

expertise, information & advocacy to end gun violence

November 2, 2007

John M. Hosteny  
Illinois State Police  
801 S. Seventh St., Suite 1000-S  
Springfield, IL 62794-9461

RE: Proposed Regulation Governing Firearm ID Cards

Dear Mr. Hosteny:

On behalf of Legal Community Against Violence (LCAV) and the Illinois Campaign to Prevent Gun Violence (ICPGV), I am writing regarding the proposed amendment to rules titled "Firearm Owner's Identification Card Act" (20 Ill. Admin. Code 1230; 31 Ill. Reg. 13346) setting the minimum age of application for a card at 10 years old. Because there is no minimum age under current law for minors to obtain FOID cards with parental consent, LCAV and ICPGV support the imposition of a minimum age for issuance of FOID cards with parental consent. However, we feel that the risk to health and safety of children justifies a minimum age of higher than 10. Therefore, we request that the proposed rule be amended to set a minimum age of 18 for issuance of a FOID card.

LCAV is a national public interest law center dedicated to preventing gun violence. Focusing on policy reform at the state and local levels, LCAV is the only organization devoted exclusively to providing legal assistance in support of gun violence prevention. ICPGV is a research-based public education campaign to promote meaningful gun policy reform in Illinois. ICPGV is a project of LCAV.

Under current law, persons must be 21 or older to obtain a FOID card, or have written consent of a parent or guardian. With parental consent, there is no minimum age for issuance of a FOID card, which entitles the holder to possess and purchase firearms. Federal law limits handgun possession to persons 18 or older, but federal law imposes no minimum age for possession of long guns. While federal law prohibits licensed dealers from selling long guns to persons under 18, there is no federal minimum age for sales of long guns by private sellers. (Federal law also prohibits licensed dealers from selling handguns to persons under 21, and unlicensed sellers from selling handguns to persons under 18.) Therefore, under current law in this state, a child of any age who holds a valid FOID card can legally possess and purchase long guns (including assault rifles) from an unlicensed seller.

Possession of firearms by children poses serious risks. According to the Centers for Disease Control and Prevention, from 1999-2004 17,958 children aged 0-19 were killed by guns in the United States, including nearly 11,000 homicides, 5,500 suicides and 1,000 unintentional shooting deaths. In 2004 (the most recent year for which data are available), homicide was the second leading cause of death among children 0-19; the vast majority of these homicides were committed with guns. Compared with other countries, the overall firearm-related death rate among U.S. children under age 15 is nearly 12 times higher than it is in 25 other industrialized nations combined.

In Illinois, over 1,000 children aged 0-19 lost their lives to gun violence between 1999-2004, including 859 homicides, 140 suicides and 31 unintentional shootings. The 2005 Youth Risk Behavior Surveillance Survey (grades 9-12) found that 5% of Chicago high school students reported having carried a gun in the last 30 days.

There is no question that access to firearms by children contributes to the risk of gun death and injury. Studies have shown that states with higher rates of household gun ownership have significantly higher homicide victimization rates for children.

Imposing a minimum age for the possession and purchase of firearms helps limit children's access to firearms, and, correspondingly, helps to decrease the number of suicides, homicides and unintentional shootings among children.

In addition to Illinois, three other states (Hawaii, New Jersey and Massachusetts) require a state license or permit for owners/possessors of all firearms.<sup>1</sup> All of these states impose a minimum age for issuance of the license, and in all three states the minimum age is considerably higher than 10.

- In Hawaii permits to acquire firearms are issued only to persons 21 or older. Subject to certain requirements, permits are not necessary for persons under age 21 when carrying and using any rifle or shotgun while "actually engaged" in hunting or target shooting. Hawaii does not allow minors to obtain a permit. (See Haw. Rev. Stat. §§ 134-2, 134-5(a), 134-13.)
- In New Jersey, Firearm Purchaser Identification cards (required for purchasers of long guns) are issued only to persons aged 18 or older; handgun permits are issued only to persons age 21 or older. Like Hawaii, New Jersey allows minors to possess firearms when engaged in lawful hunting activities and supervised by an adult. New Jersey does not allow minors to obtain licenses or permits. (See N.J. Stat. Ann. §§ 2C:58-3, 2C:58-6.1)
- Massachusetts issues several types of licenses/permits: Firearm Identification (FID) cards (required for purchase and possession of long guns excluding large capacity weapons) are issued only to persons 18 or older; Class A licenses (allow purchase and possession of all lawful firearms) and Class B licenses (allow purchase and possession of long guns and non-large capacity handguns) are issued only to persons 18 or older; handgun permits are issued only to persons age 21 or older. 16 and 17 year-olds may apply for a FID card with the written permission of a parent or guardian. This exception allows persons 16 years of age and older to possess rifles and shotguns, excluding large capacity weapons. In addition, children under the age of 15 may use a rifle or shotgun for hunting or target shooting, provided that they are under the immediate supervision of a person holding a FID card or a license to carry firearms, or a member of the military while in the performance of his or her duty. No hunting or sporting license may be granted to a minor under age 15. (See Mass. Gen. Laws ch. 140, §§ 121, 129B, 129C, 131, 131A, 131E, 131P.)

---

<sup>1</sup> Note that eight states require a license or permit for possession or purchase of handguns only. Because federal law already limits handgun possession to persons 18 or older, these state laws are not discussed here.

John M. Hosteny  
November 2, 2007  
Page 3

In conclusion, LCAV and ICPGV support the imposition of a minimum age for issuance of a FOID card. We feel strongly that ownership of firearms by children poses a serious threat to their health and safety. Because this risk does not diminish after the age of 10, we urge the State Police to amend the proposed rule to set a minimum age of 18 for issuance of a FOID card with parental consent. There is simply no reason to allow children under 18 to have the ability to own and purchase firearms. It would be appropriate to permit younger children to use firearms for legitimate hunting and sporting purposes when under the supervision of an adult with a valid FOID card.

Thank you for the opportunity to comment on this proposed rule change. Feel free to contact me if you have any questions.

Very truly yours,

Nina E. Vinik  
Legal Director