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Executive Summary

Compared to many other states, Illinois has relatively strong firearm laws. Nonetheless, there are several ways in which Illinois could further strengthen its laws to reduce the diversion of guns for criminal use and gun violence. This report is comprised of three main sections. First, it provides an overview of current law in Illinois related to standards and processes for obtaining a Firearm Owner Identification (FOID) license, background checks, drug and alcohol related prohibitions, domestic violence prohibitions, extreme risk protection orders, and concealed carry of firearms. Second, we review existing evidence on the effectiveness of firearm-related laws including the impacts of purchaser licensing to reduce diversion and homicide, domestic violence restraining orders and intimate partner violence, discretion in issuing concealed carry licenses, extending prohibitions to individuals with multiple alcohol-related convictions, and local community-based interventions to reduce gun violence. Third, we conclude the report by offering ten evidence-based recommendations to reduce gun violence in Illinois:

1. State and local law enforcement should vigorously implement and enforce new state laws establishing Extreme Risk Protection Orders to remove firearms from dangerous situations and state regulation of firearms sellers.
2. Modify the current firearm purchase license (i.e., FOID) system to require an in-person application, fingerprinting, and a duration of 5 years.
3. If, after issuance of a FOID card, individuals are identified as prohibited and fail to surrender their FOID and/or firearms upon notice of revocation, law enforcement should dispossess these prohibited individuals of their firearms.
4. Require private firearm sellers to verify the validity of the FOID card prior to transferring a firearm by attaching a criminal penalty for noncompliance.
5. During a private sale, require State Police to conduct a background check while verifying the validity of the FOID card to ensure the purchaser has not become prohibited since issuance.
6. Modify existing domestic violence-related firearm prohibitions to last the length of the order or 2 years, whichever is longer.
7. Extend firearm prohibition to individuals convicted of multiple alcohol-related offenses, like the standard for concealed carry licensing.
8. Provide law enforcement discretion to deny concealed carry licenses to those who law enforcement identify as legal but dangerous.
9. Ban the sale and possession of new assault weapons and require current owners of assault weapons to register their weapons with the state police. Ban the possession of LCMs.
10. Provide funding to support evidence-based local-level strategies to reduce gun violence such as focused deterrence and interventions with high-risk individuals that involve outreach, conflict mediation, and behavioral interventions proven to reduce violence.

Introduction

In 2017, gunfire took the life of 1,547 Illinois residents including 934 homicides and 577 suicides. Illinois' firearm homicide rate (7.30 per 100,000 population) is higher than all but five states.¹ The purpose of this report is to provide an overview of current Illinois firearm policies, summarize evidence relevant to policies associated with reductions in gun violence, and provide policy recommendations that Illinois should consider as part of its gun violence reduction efforts.

Current Illinois Law

Purchase License and Possession Standards

Illinois generally requires that individuals obtain a license—a Firearm Owner's Identification ("FOID")—to acquire or possess firearms.² Individuals seeking an FOID card can apply online or by mail³ using their full name, date of birth, street address, driver's license or identification card number, and a color photograph.⁴ Applicants undergo a background check to ensure they do not meet any of the statutory grounds for application denial, but do not have to provide fingerprints. Beyond the standards set by federal law, an application will be denied, or an FOID revoked, if the applicant or cardholder:⁵ (refer to the Appendix for the complete list).

- Is under 21 and convicted of a misdemeanor other than a traffic offense
- Is under 21 and without written consent from parent or guardian
- Has been a patient in a mental health facility within the past 5 years
- Has a mental condition such that the applicant poses a "clear and present danger" to self or others
- Has an intellectual disability
- Lies on their FOID application
- Has been convicted of any of a list of specific crimes (battery, assault, aggravated assault, or violating an order of protection) in which a firearm was used or possessed within the last 5 years
- Is otherwise prohibited from purchasing or possessing firearms by Illinois or federal law
- Is a delinquent minor
- Is an adult previously adjudicated as a delinquent minor for an offense that would have been a felony if the applicant had been an adult
- Has been adjudicated to have a mental disability
- Has a developmental disability

Illinois does not require applicants to undergo any training prior to application. State Police must approve or deny all FOID applications within 30 days. Qualified applicants must pay \$10 to acquire their FOID card. Once issued, FOID cards are valid for 10 years and there is no limit on the number of firearms that can be purchased with a valid FOID.⁶ Some individuals are exempt from the FOID process including certain law enforcement officers and individuals possessing a valid Illinois concealed carry license.

Background Checks at the Time of Transfer/Sale

Prior to the private transfer of a firearm, an unlicensed seller—an individual who is not a federally licensed firearm dealer—must call the State Police to verify that the prospective transferee’s FOID is valid. The State Police provide an approval number if the FOID is valid that is authorized for 30 days. The FOID verification process does not include a full background check at the time of the verification request. Instead, the FOID is checked against the state police database of valid FOID cards. Once the State Police verify the transferee’s FOID, the transfer can proceed.⁷ If a transfer between private parties occurs at the place of business of a federally licensed dealer, the dealer conducts a background check in accordance with Illinois law and the transferor is not required to contact the state police to verify the transferee’s FOID.^{7a}

While it is illegal for a federally licensed dealer or gun show seller to transfer a firearm without a background check through the Illinois system, there is no criminal penalty when a private seller fails to determine whether a prospective purchaser’s FOID is valid.^{8b} When an FOID is revoked, the cardholder has 48 hours to return the newly invalid FOID to law enforcement and provide an accounting of the location of all firearms that the cardholder has now transferred to other locations/individuals. Failure to comply with this requirement is a misdemeanor.⁹ Despite this requirement, some cardholders may fail to comply upon notice of revocation. A revoked or otherwise invalid FOID card will appear valid if it has not reached its expiration date. A private seller that merely checks the expiration date and fails to contact the State Police to verify a buyer’s FOID may unknowingly transfer a firearm to prohibited individual. According to Illinois law, this would not be a crime.

Firearm Dealer Licensing and Oversight

Federal laws governing firearm sellers are lax and resources for oversight of seller’s compliance with federal firearm laws are insufficient to prevent a small fraction of the overall number of licensed sellers from channeling most of the guns used in crime.¹⁰ The impact of a small number of gun shops surrounding Chicago on the supply of guns for criminal use in the city has been well documented in a recent report by the City of Chicago.¹¹ Governor Pritzker recently signed legislation requiring individuals in the business of selling firearms to obtain a certificate or license from the Illinois State Police. To obtain the certificate, firearm sellers must install surveillance equipment, maintain electronic inventory records, put in place a variety of anti-theft measures, and provide annual training to employees relevant to preventing illegal straw sales and compliance with other state firearm laws. Research has shown that strong state laws regulating firearm dealers were associated with lower rates of diversion for criminal use only when state or local law enforcement officials reported that the laws were rigorously enforced via routine firearm dealer compliance inspections.¹² Undercover stings, lawsuits and criminal charges against scofflaw gun dealers supplying Chicago’s criminal market have also been associated with subsequent declines in the diversion of guns from Illinois firearms dealers.¹³

Drug and Alcohol-related Prohibitions

Because Illinois requires a valid FOID for purchase and possession of firearms, the overall purchase and possession prohibitions are identical to the statutory grounds for denying an FOID application. Notably, though Illinois has a prohibition related to narcotic use, it does not have an alcohol-related prohibition. This separates Illinois from states with similar laws prohibiting firearm possession for individuals convicted of alcohol-related misdemeanors (MA, MD, PA), individuals recently treated for alcohol-related conditions (FL, HI, KS, MA, MN, ND, WI), and other alcohol-use related reasons (AL, CA, MO, OH, SC, WV).¹⁴

^aThere are certain types of transfers that are exempt from this requirement: gifts between certain family members, transfers occurring pursuant to a court order, delivering a gun for repair, temporary transfers that occur in the home of the unlicensed transferee if the transferee is not prohibited and reasonably believes the firearm is necessary to prevent death or bodily harm, among others.

^b Private sellers benefit from verifying a purchaser’s FOID because Illinois law guarantees that the seller will not be liable for damages for certain civil actions arising out of the purchaser’s subsequent actions with the firearm (720 Ill Comp Stat. § 5/24-3(k)(1))

Domestic Violence Prohibitions

Illinois has relatively strong firearm prohibitions for domestic violence offenders. In general, an order of protection will prohibit firearm possession for the duration of the order if the order was issued after notice and a hearing in which the respondent had the opportunity to be heard.¹⁵ If the opportunity for notice and hearing will create a credible threat to the intimate partner or child, a court may issue an emergency ex parte order that prohibits firearm possession.¹⁶ Under Illinois law, these provisions extend to dating partners.¹⁷ In general, purchase and possession are prohibited if an individual is subject to an existing order of protection.¹⁸ Absent conviction for a felony or another prohibiting offense, the prohibitions end when the order of protection ends. By contrast, New Jersey, which also has a purchaser licensing law, prohibits firearm possession for the length of the restraining order or two years, whichever is longer.¹⁹

Firearm Restrictions Resulting from Extreme Risk Protection Orders

Illinois enacted the Firearm Seizure Act – a type of law also known as an Extreme Risk Protection Order (ERPO) or Red Flag law – that went into effect January 1, 2019. This law allows family or household members, as well as law enforcement officers, to petition a court to remove guns from a person who poses a clear and present danger to self or others based on violent, suicidal, or threatening behavior. ERPOs function similarly to domestic violence restraining orders that have served to disarm dangerous abusers and reduce domestic homicides.

Laws in Connecticut and Indiana provide a means for law enforcement officers to petition a court to allow for the removal of firearms from individuals when there is evidence that those individuals are threatening to use a firearm to harm themselves or others. Recent studies provide evidence that the laws in Connecticut and Indiana have reduced firearm-related suicides,^{20,21} the most common scenario in which ERPOs are applied. ERPOs have been used to disarm individuals planning mass shootings in schools and other settings. The impact of ERPO laws on gun violence depend entirely upon law enforcement commitment to and competence in using the law and public awareness that ERPOs provide a legal process for keeping firearms from people intending to harm themselves or others.

Concealed Carry of Firearms

Illinois allows the concealed carry of firearms by individuals with a valid concealed carry license.²² These licenses are issued on a shall-issue basis—as long as the applicant meets the baseline criteria, the State Police must issue a license.²³ To qualify for a concealed carry license, the applicant must be at least 21 years of age, have a current and valid FOID, have not been convicted of a misdemeanor involving the use or threat of physical force or 2 or more violations related to driving under the influence of alcohol or drugs within the past 5 years, not be the subject of pending arrest warrant, prosecution, or proceeding that could lead to disqualification, have not been in residential or court-ordered treatment for alcohol-related disorders, and have completed firearms training including live fire of a handgun.^{24,25} These alcohol-related prohibitions are only applicable to concealed carry licenses. Unlike many states with shall issue laws, Illinois allows for very limited discretion—if a law enforcement agency has a reasonable suspicion that an applicant is a danger to themselves or others, the agency may submit an objection to the Concealed Carry Licensing Review Board.²⁶

Though these concealed carry regulations are stronger than some other states with shall issue laws — including those that allow concealed carry without a license—Illinois still regulates concealed carry more loosely than other states with similar purchase and possession laws. Other states have discretionary licensing systems²⁷—governed by “may issue” laws—and have laws that ask applicants to demonstrate a good reason for carrying a concealed firearm.²⁸

Evidence on Effectiveness of Gun Policies

Purchaser Licensing Requirements

Purchaser licensing requirements for handguns have consistently been associated with reductions in diversions of guns for criminal use and gun violence. Currently 9 states^c and the District of Columbia require all prospective handgun purchasers to obtain a license. All licensing laws require those who want to purchase a handgun to apply for and obtain a license from a public safety agency, yet these laws vary in ways that could influence their effectiveness. Illinois, arguably, has the weakest of all purchase licensing laws. Illinois and North Carolina are the only purchase licensing states that do not require applicants to apply for the purchase license in person.^d Illinois' law does not require fingerprint verification for background checks or safety training requirements. A license issued in Illinois is good for 10 years. Only Maryland has a license duration of that length.

Crime gun trace data can provide useful metrics to assess whether laws designed to prevent diversion of guns for criminal use, including purchaser licensing laws, are effective in doing so. Having a relatively high proportion of crime gun traces that have the hallmarks of an illegal straw purchase (e.g., the time between a gun's original sale and recovery in crime less than 12 months) is an indicator that has been used in studies of the effects of state gun laws. Cross-sectional studies have shown that states with purchaser licensing laws that provide law enforcement discretion in license issuance experience much lower rates of guns being diverted for criminal use within the state.¹² Longitudinal studies have also demonstrated a strong relationship between changes in licensing laws and changes

in crime guns traced to within-state sales less than one year later.^{29,30} For example, following Missouri's repeal of its purchaser licensing law, the proportion of guns that were recovered in crime shortly after retail sale doubled. Typically, individuals committing gun crimes in states with licensing laws use guns that were originally acquired in states with weaker laws.^{31,32} When Missouri repealed its law in 2007, the share of crime guns that originated from an in-state sale increased from 56% in 2006 to 74% in 2014.²⁹ This suggests that the supply of illegal guns had been constrained by Missouri's licensing law such that those seeking guns would often have to identify an out-of-state supplier. But the law's repeal eased such constraints and made it easier for individuals wanting to commit a crime with a gun to obtain that gun within Missouri.

Examining crime gun trace data across the nine states that currently have some form of purchaser licensing reveals a pattern consistent with previous research in state measures of within-state diversion to crime shortly after retail sale and the strength of the licensing law (Table 1). We present data for Illinois including Chicago and Illinois other than Chicago because Chicago has historically had very restrictive gun laws compared with the rest of the state. When Chicago data are excluded, Illinois and North Carolina – the only purchaser licensing states that don't require in-person application, fingerprints, or safety training – have higher percentages of crime guns with time to crime under one year (15.9% and 16.7%, respectively) and higher percentages of crime guns originating from within-state sales (65.0% and 72.5%, respectively) than is the case for other purchaser licensing states that require in-person application, fingerprint verification and/or safety training.^e

^cConnecticut, Hawaii, Iowa, Illinois, Massachusetts, Maryland, New Jersey, New York, and North Carolina

^d Maryland requires handgun purchase applicants to begin the application process by going to the State of Maryland Criminal Justice Information Service or vendors certified by the State to take a process fingerprints for background checks. Applicants must complete a firearm safety course (minimum 4 hours that includes live fire). After completion of these steps, applicants can apply online for the license from the Maryland State Police.

^eHawaii has a relatively high percentage of its crime guns that were sold within a year of crime involvement; however, firearm ownership in Hawaii is very low and the number of crime guns traced (356) is a small fraction of the number of crime guns traced in other states.

Table 1: Percentage of crime guns recovered within 12 months of sale and percentage of crime guns that were recovered in the source state among states with purchaser licensing handgun laws.

	Total guns recovered and successfully traced to purchaser	Crime guns recovered within 12 months of sale n (%)	Total guns recovered and successfully traced to first retail seller	Guns recovered that were purchased within the state n (%)
Connecticut	2,234	223 (10.0)	2,330	1,330 (57.1)
Hawaii	356	62 (17.4)	382	175 (45.8)
Illinois	30,749 -18,526 Chicago	4,428 (14.4) -2,483 Chicago	31,336 -18,749 Chicago	15,752 (50.3) -7,575 Chicago
Illinois minus Chicago	12,223	1,945 (15.9)	12,587	8,177 (65.0)
Iowa	4,462	953 (21.4)	4,521	3,221 (71.2)
Maryland	21,042	2,315 (11.0)	21,292	11,458 (53.8)
Massachusetts	4,243	498 (11.7)	4,342	1,696 (39.1)
New Jersey	9,263	747 (8.1)	9,355	2,027 (21.7)
New York	19,327	1,815 (9.4)	19,610	5,679 (29.0)
North Carolina	32,721	5,456 (16.7)	34,107	24,730 (72.5)

In addition to reducing the diversion of guns for criminal use, there is a strong body of evidence showing purchaser licensing laws are effective at reducing firearm-related mortality. Connecticut enacted a licensing law in October 1995 to supplement its comprehensive background check law. The main components of Connecticut’s law include an in-person application, fingerprinting, safety training, and, upon approval, a license duration of 5 years. Connecticut’s purchaser licensing law was associated with a 40% reduction in firearm homicide during the first 10 years the law was in place³³ and a 15% reduction in firearm suicide.³⁴ In August 2007, Missouri repealed its longstanding purchaser licensing law. Prior to the repeal, prospective handgun purchasers had to apply in-person through the sheriff’s office and the license was good for 30 days. Following Missouri’s repeal, studies have estimated an increase in firearm homicide rates of 17% to 27%^{35,36} and an increase in firearm suicide rates of 16%.³⁴

Recent research found that in large, urban counties where firearm homicide tends to concentrate, purchaser licensing laws were associated with an 11% reduction in

firearm homicide.³⁷ Some key considerations of these laws are how the application process occurs and whether law enforcement have discretion to deny licenses to individuals who may be legally allowed to own guns but have a history of dangerousness. Purchaser licensing laws with in-person applications were associated with greater protective effects and providing law enforcement discretion to deny licenses was associated with the largest reduction in firearm homicide:^f mail/online – non-significant 7% reduction (IRR^g = 0.93, 95% CI^h 0.58-1.51); in-person without discretion – 9% reduction (IRR = 0.91, 95% CI 0.87-0.95); in-person with discretion – 46% reduction (IRR = 0.54, 95% CI 0.21-0.72).

^fThese results have not been peer-reviewed; however, the data and methodology from which the results were generated have undergone peer-review in Crifasi et al (2018).

^gIncident Rate Ratio

^hConfidence Interval

Firearm Prohibitors for Domestic Violence Restraining Orders

Intimate partner violence (“IPV”) and firearms are closely linked. The risk of homicide among women in physically abusive intimate relationships is 5 times greater when the abusive partner has access to a firearm.³⁸ Overall, IPV increases in severity when a firearm is readily available.³⁹ Federal law imposes a few firearm prohibitions related to IPV—specifically that individuals subject to certain protective orders or convicted of domestic violence misdemeanors are prohibited from buying or possessing guns.⁴⁰ Nonetheless, states have sought to implement better protections by enacting additional IPV-related prohibitions.

States that have implemented their own prohibitions for abusers subject to final domestic violence restraining orders—orders entered after the accused abuser has an opportunity to be heard in court—have seen decreases in intimate partner violence and intimate partner homicide.⁴¹ States have further decreased intimate partner homicides by expanding these prohibitions to include dating partners, cover temporary emergency orders of protection, and include provisions mandating the surrender and removal of firearms once the order is entered.⁴²

Abusers subject to domestic violence restraining orders often have criminal histories and, in some instances, will escalate their criminal behavior following the issuance of a protective order.^{43,44} Removing firearms from these abusers for the length of the order or a set period is one strategy to keep guns away from high risk individuals.

In addition, a few states have stronger versions of the federal domestic violence misdemeanor prohibition. These states prohibit firearm purchase and possession by anyone convicted of any of a series of specific crimes irrespective of the offender’s relationship with the victim. States with these laws see lower rates of intimate partner homicides than states without any type of violent misdemeanor prohibition.⁴²

Shall Issue Concealed Carry Laws for Firearms

During the past three decades, there has been extraordinary change in state laws regulating civilian carrying of concealed firearms in the direction of deregulation. The most common changes moved states from may issue to shall issue regulations, removing law enforcement discretion to deny concealed carry licenses to individuals who do not have any formal disqualifying conditions, or

removing the need to prove “good cause” for this type of personal protection. There have been many studies that have sought to estimate the impact of these changes in gun carrying laws, often with serious methodological flaws.⁴⁵ The most recent and rigorous studies have found that shall issue concealed carry laws tend to increase violent crime, including homicides.^{27,46-48}

Alcohol Prohibitions

There is vast research literature that demonstrates that alcohol abuse, especially among men, significantly increases the risk of violent behavior. A recent study found that prior convictions for alcohol-related offenses were associated with a four- to five-fold increase in risk for arrest for crimes involving violence or firearms. This increased relative risk was greater than was observed for prior convictions for violent crimes.⁴⁹ While we know of no rigorous study to isolate the effects of firearms prohibitions for multiple convictions for alcohol-related crimes, other studies have demonstrated that firearm prohibitions for violent misdemeanants are associated with reduced rates of violent crime.^{42,50}

Restrictions on Assault Weapons and Large-Capacity Ammunition Feed Devices

Large-capacity magazines (LCMs) or ammunition feeding devices – commonly holding more than 10 rounds – provide those who use guns in criminal attacks with an ability to fire more shots uninterrupted and thus wound or kill more victims in those attacks. Firearms classified as assault weapons can use LCMs and have other features that can facilitate criminal use and mass casualties such as folding rifle stocks to aid concealability, threaded barrel to accommodate silencers, and barrel shrouds to allow shooters to handle handguns that have rapidly fired many rounds without burning their hands. This added capacity of LCMs can be particularly relevant in the context of active-shooter events across a variety of settings (e.g., schools, entertainment settings, places of business, streets) and is associated with more victims per shooting.⁵¹ Criminal use of LCMs and assault weapons has increased after the federal ban expired in 2004 and are overrepresented among deadly assaults of law enforcement officers.⁵² Many weaknesses of the federal ban of assault weapons and LCMs limited the potential impacts of the law; however, there is some new evidence that the federal ban did reduce casualties from mass-casualty shootings.⁵³

Evidence-Based Local Interventions to Curb Urban Gun Violence

States can facilitate reductions in gun violence by providing resources to support evidence-based initiatives in communities most impacted by gun violence. The approach with the most consistent evidence of reducing urban gun violence is Group Violence Intervention which applies a model of focused deterrence to group violence with positive supports to incentivize alternatives to gun violence.⁵⁴ There are other evidence-based or evidence-informed interventions focused on reducing the risk of gun violence among those at greatest risk in urban communities that seek to reduce shootings through social-behavioral

interventions that do not involve the threat of criminal justice sanctions. For example, Cure Violence and similar programs employ street outreach workers in impacted communities to build trust with those at highest risk, mediate disputes, promote nonviolent alternatives to conflict, and facilitate connections to social services and job opportunities. Such programs appear to promote norms that avoid the use of guns to settle disputes,^{55,56} and often lead to reductions in gun violence.⁵⁷⁻⁶⁰ Other programs such as Rapid Employment and Development Initiative⁶¹ work with similarly high-risk individuals and offer employment opportunities and cognitive behavioral interventions to change thinking patterns that leave such individuals vulnerable to using guns in response to conflicts.

Recommendations to Reduce Gun Violence in Illinois

1. State and local law enforcement should vigorously implement and enforce new state laws establishing Extreme Risk Protection Orders to remove firearms from dangerous situations and state regulation of firearms sellers.
2. Modify the current firearm purchase license (i.e., FOID) system to require an in-person application, fingerprinting, and a duration of 5 years.
3. If, after issuance of a FOID card, individuals are identified as prohibited and fail to surrender their FOID and/or firearms upon notice of revocation, law enforcement should dispossess these prohibited individuals of their firearms.
4. Require private firearm sellers to verify the validity of the FOID card prior to transferring a firearm by attaching a criminal penalty for noncompliance.
5. During a private sale, require State Police to conduct a background check while verifying the validity of the FOID card to ensure the purchaser has not become prohibited since issuance.
6. Modify existing domestic violence-related firearm prohibitions to last the length of the order or 2 years, whichever is longer.
7. Extend firearm prohibition to individuals convicted of multiple alcohol-related offenses, like the standard for concealed carry licensing.
8. Provide law enforcement discretion to deny concealed carry licenses to those who law enforcement identify as legal but dangerous.
9. Ban the sale and possession of new assault weapons and require current owners of assault weapons to register their weapons with the state police. Ban the possession of LCMs.
10. Provide funding to support evidence-based local-level strategies to reduce gun violence such as focused deterrence and interventions with high-risk individuals that involve outreach, conflict mediation, and behavioral interventions proven to reduce violence.

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Appendix

Full List of Reasons for Denial or Revocation of an Illinois Firearm Owner Identification

- Application will be denied or FOID denied if the applicant or cardholder:⁵
- Is under 21 and convicted of a misdemeanor other than a traffic offense;
- Is under 21 and without written consent from parent or guardian;
- Is a convicted felon;
- Is addicted to narcotics;
- Has been a patient in a mental health facility within the past 5 years;
- Has a mental condition such that the applicant poses a “clear and present danger” to self or others;
- Has an intellectual disability;
- Lies on their FOID application;
- Is an alien unlawfully in the country;
- Is subject to an existing order of protection that prohibits firearm possession;
- Has been convicted of any of a list of specific crimes (battery, assault, aggravated assault, or violating an order of protection) in which a firearm was used or possessed within the last 5 years;
- Has been convicted of domestic battery;
- Is otherwise prohibited from purchasing or possessing firearms by Illinois or federal law;
- Is a delinquent minor;
- Is an adult previously adjudicated as a delinquent minor for an offense that would have been a felony if the applicant had been an adult;
- Is not a resident of the state;
- Has been adjudicated to have a mental disability;
- Has a developmental disability; or
- Has been involuntarily admitted to a mental health facility.



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