

## **FEASIBILITY STUDY FOR PUBLIC ACT 92-0442**

### **OVERVIEW**

Public Act 92-0442 requires the following:

- (c) The Secretary of State shall conduct a study to determine the cost and feasibility of creating a method of adding an identifiable code, background, or other means on the driver's license or Illinois Identification Card to show that an individual is not disqualified from owning or possessing a firearm under State or federal law. The Secretary shall report the findings of the study 12 months after the effective date of this amendatory Act of the 92<sup>nd</sup> General Assembly.

A study committee was convened within the Office of Secretary of State, comprised of personnel from Field Services Bureau, Driver Services Training, Information and Support Services, and Department of Information Technology, during the summer of 2002 to complete the feasibility study as outlined in Public Act 92-0442.

## DEFINITIONS

The Office of Secretary of State, Driver Services Department, defines the following terms included in Public Act 92-0442 as indicated below:

Physical Display – A readily visible and easily identifiable characteristic of the Illinois Drivers License or Identification card which will allow recognition that the individual so named on the document is NOT disqualified for the Firearm Owner's Identification Card (FOID). This physical display may include the following technical specifications.

Identifiable Code – A mark, data entry, icon, signature, restriction or endorsement displayed on the face or reverse of the Illinois Drivers License or Identification Card which identifies the individual issued such document as NOT FOID disqualified.

Background – The color or a color variation in the area of the photo immediately behind the applicant's image. Such distinguishing "background" would identify the individual in the document as NOT FOID disqualified.

Other means -- A change in the header bar or design of the Illinois Drivers License or Identification Card, or the inclusion of encrypted information into the bar code of such documents, which identifies the individual shown on that card as NOT FOID disqualified.

Determination of disqualification – Electronic or written confirmation that the individual shown on the Drivers License or Identification Card, being issued, is NOT FOID disqualified.

State – The State of Illinois as represented by this office or the Office of Illinois State Police.

Federal -- The government of the United States of America as represented by those law enforcement agencies or government offices authorized to provide FOID qualification/disqualification information.

Cost -- Estimated financial requirements to develop, initiate and maintain the program required by Public Act 92-0442, based upon known fiscal costs to date.

## **SCOPE**

First, the scope of the requirement as described in the law needs to be addressed. The task outlined in Public Act 92-0442 states that the Secretary of State must "show that an individual is not disqualified from owning or possessing a firearm."

Background checks for FOID eligibility/ineligibility must be completed before FOID eligibility status can be indicated on the Drivers License and Identification (DL/ID) card. Without those background checks, the Office of the Secretary of State (SOS) would be unable to verify that an individual is "not disqualified". Without such checks, the indicator would become meaningless.

Given that the law requiring the feasibility study specifies the determination and identification of those who are "not disqualified" as opposed to those who are in fact "disqualified" or "eligible for" following an application process, it conceivably could require this level of verification for all DL/ID applicants or a large subset thereof, that could be "not disqualified". This implies that all individuals must be subjected to a FOID qualification review for their DL/ID Card record to be updated to show that they are "not disqualified." Nine (9) million drivers and three (3) million ID card holders would require a tag on their record.

This kind of eligibility determination goes well beyond the identification and verification needed to issue a DL/ID card. In the case of many citizens, this qualification check would be intrusive and of no interest to them since they did not and do not intend to own a firearm.

If by "not disqualified", the intended meaning is in fact those who have been determined through a separate eligibility process to be "authorized" to own or possess a firearm under state or federal law, that clarification is needed.

Numerous logistical issues would need to be resolved before such a program could be implemented. Some that would need to be addressed are:

- a. When, where, and how an application regarding firearm eligibility and the necessary background check would be completed;
- b. How and when the results would be transmitted to SOS;
- c. How such results would be incorporated upon receipt into an already issued Illinois Drivers License or Identification Card that may not expire for four or five years or longer, and perhaps never expire if issued to a senior citizen with a non-expiring ID;
- d. How to accommodate the additional facility visits that will be required by those persons whose status as disqualified or not disqualified will change, and will not be not in sync with expiration dates for their DL or ID;
- e. How to address overlapping and inconsistent terms of eligibility and expiration dates for DL, ID, and FOID, and the levying of related fees;
- f. How to maintain an “over the counter” card operation and absorb these facility visits and additional processing time that will be required for all customers who will possibly now have to wait to obtain a DL/ID Card, due to the additional verification processes required to determine FOID disqualification or qualification;
- g. How to complete the significant modification of all associated computer systems and manage changes to the status of not disqualified or disqualified in a manner that ensures accuracy of information on DL/ID cards and adequately protects public safety when it is not accurate;

## **TECHNICAL CONSIDERATIONS**

In order to produce a Drivers License or Identification Card with an identifiable code, background or other means on the DL/ID requires several initial steps in addition to and far beyond merely changing the physical appearance of the final output document (the DL/ID card).

SOS would be required to add what will be referred to as a "FOID Tag" along with relevant dates to the DL/ID card database as a prelude to producing the required physical display for output. This tag on the driving record will identify the record as being FOID qualified or disqualified in the event the individual receives duplicate/corrected or renewal documents at a later date. This tag would necessarily require "updating" from agencies authorized to verify the individual's qualification.

A "tag" on the record would be read at the time of printing the DL/ID card to allow the output source (i.e., record update and/or document printer) to produce the proper response to the required databases and print outputs.

Placing of a tag on the record would be required regardless of whether or not the "identifiable code" was a physical code on the document, a change in the color of background or "other means." The tag would necessarily be added to the applicant's record for any circumstance requiring identification of FOID qualification on the DL/ID card record.

Inclusion of a FOID tag and date in the record would require an expansion of the DL/ID card database. Present formatting would necessarily be extended to all "previous" and future records for placement of this tag, even though qualification had not been determined for many present DL/ID cardholders.

In addition to universal program changes to the DL/ID card database, programming changes would be required for all output reports (internal and field), statistical tables, LEADS output, Facility Drivers License/Identification Card application programs and all input/output communication links for receiving or reporting applicant qualification.

New programs would be required for reporting applicant qualification/disqualification between Illinois State Police and other agencies. New programs would be required for input to the DL/ID card database to accept external qualification/disqualification responses resulting from queries made by the Office of Secretary of State.

Because of the “instant issue” nature of the DL/ID it would be necessary for qualification/disqualification information to be “instantaneously” available to on-line (electronic) inquiry from the Drivers License Facility.

Internal programming would also have to be changed to allow for in-house editing of the DL/ID card database for internal operational units such as Fraud and Driver Analysis.

It is possible that a new Type Action would be created to sustain reasons for marking files disqualified or citing individuals back to the Drivers Facility to obtain a corrected DL/ID card if they became qualified or, for some reason, lost their qualification. The programming and data storage requirements for creating a new Type Action on the DL/ID database are extensive.

## **ASSOCIATED OPERATIONAL ISSUES**

Presently the FOID card is issued by the Illinois State Police (ISP) centrally and is issued after an investigation of the applicant's eligibility has been completed. The DL/ID cards are issued "over the counter" instantly upon application and qualification at a Drivers License facility. Requiring the applicant to wait for a background check to determine FOID eligibility or ineligibility would cause very significant time delays in card issuance and in customer processing in the facilities. This will be exacerbated by those required to visit multiple times as their FOID and DL or ID status changes, at different dates between already varied expiration dates.

If the individual's qualification for a FOID changed prior to the DL/ID card expiration date, the FOID tag on the DL/ID card would continue to show the person as "not disqualified." It would be necessary to require the individual to return to the facility and surrender their present "not disqualified" DL/ID card and receive a new DL/ID card that did not indicate "not disqualified."

Determination of eligibility for FOID qualification/disqualification would necessarily be required at the time of application and/or renewal of the DL/ID card or both. The majority of DL/ID cards, issued to the same individual, have different expiration dates. Qualification and/or update of qualification would necessarily have to also be conducted whenever an individual appeared at a facility for a renewal, duplicate, corrected or other card action.

The expiration date of the DL/ID card and the present FOID card fall within different time frames. The DL/ID card is issued for a period of four to five years or longer dependent upon new or renewal document and other cardholder characteristics, and the FOID card is issued for five years. Changing the length of issue of the FOID card to match the length of issue for the Drivers License or Identification Card would not solve the problem. If FOID eligibility is determined at a time different than DL/ID card issuance and that is to be expected, the two terms will not be in sync. Expiration of one will affect the other even if eligibility continues for the other. The cardholder will not

have reduced requirements to physically appear or to obtain cards and pay concomitant fees. These requirements will greatly increase. Affected cardholders will need to physically appear to obtain cards and modify cards and pay some level of card issuance fees with each of these differing terms of eligibility. In addition to operational implications for issuance, any expected convenience for the cardholder does not appear to exist.

To determine eligibility, the Drivers License facility would be required to connect with or obtain information from an outside source. This connectivity could add several minutes to the application process and slow down the already taxed issuance process for the Driver's License or Identification Card.

There are 1.2 million FOID cardholders in the state. If ISP or another entity identifies that an individual's qualification has been changed to "disqualified", that person would have to be cited into a Drivers License Facility. Estimates are that approximately 25% of the FOID cards issued annually must go through additional checks to determine eligibility. There are approximately 223,000 cards issued annually. Approximately 55,750 would be required to return to the Drivers License facility a second time for verification of FOID or carry a tag on their DL/ID that said they were disqualified. The 55,750 applicants who must return to a Drivers Facility would represent an increase in facility traffic of approximately 251 per day, if they were spread over the entire work year. Approximately 53% of those would be in the Chicago metropolitan area, adding 133 applicants to the already overcrowded facility lines each day. During the peak months of August through January, this number could be much greater, according to ISP records.

To request qualification information for the nearly 4 million DL/ID cardholders processed annually would add some 33 thousand hours to DL/ID processing time. Broken down by workday this would amount to over 4,400 additional workdays per year. This estimate does not include those individuals who might appear at a facility several

times to retake tests which were failed or to perform other actions prior to or post issuance of a DL/ID card. Impact on facility operations and cost would be huge.

There could be times when an individual could not obtain a DL or ID because their FOID qualification could not be verified the individual would not be eligible for a DL/ID card. Present laws do not allow for a DL/ID card to be denied because of FOID qualification or lack of verification of qualification. Legislation would have to allow for this process.

The DL/ID card application would require a print change. The present card is very short of space. While a design change can be incorporated, it is again noted that its presence on the card will require possible confiscation of the DL/ID when qualification/disqualification status changes.

This poses potential legal issues as well. The State will conceivably be requiring surrender of a legally issued and valid DL or ID because of its firearm qualification designation. Conversely, the state might require confiscation of a legally issued and valid indication of qualification/disqualification when a revoked, suspended, cancelled or other invalid DL or ID is confiscated or denied. Most importantly, those individuals who do not return or whose cards cannot be confiscated and are carrying a card with an incorrect indication can pose a very real threat to the public and to law enforcement.

As previously noted, the license document is issued for a period of four years in most cases and the Identification Card for five years. The FOID card is issued for a five-year period but is not presently issued in the same year as the DL/ID document in most circumstances. Sufficient grandfathering processes would have to be initiated to account for the fees and time differences already in place with the present FOID system.

Approximately 35% of the 223,000 FOID cards issued annually (or 78,000) are new cards. It would be more than likely that these new FOID card requestors would have to

wait for a period of time and then return to a Drivers License Facility at a later date to have their qualification confirmed and documented. Meanwhile they would not be eligible for a DL/ID card indicating “not disqualified”. Because that eligibility is contingent upon critical information obtained from the individual’s criminal history including NCIC and LEADS, the time delay involved in adding a tag to the DL/ID card document is essential, but would seriously hamper the mission of Secretary of State to promptly issue DL and ID credentials for which customers often have immediate needs.

## **COST EFFECTIVENESS AND EFFICIENCY**

Any benefit in terms of efficiency or cost-effectiveness of an indication on the DL/ID card document or the individual's DL/ID card record is questionable. If this indicator were to replace the FOID card then there is a need for a large amount of legislation to be produced. Cost factors are increased dramatically considering the necessity for additional personnel and better, faster and more up to date communications, in addition to significant database redesign and changes in DL/ID card production systems.

Presently ISP generates a person's firearms eligibility information and law enforcement can access this eligibility information over LEADS. It is our understanding that federal law requires that persons who sell weapons must see a "FOID card" and must utilize procedure through FTIP (Firearms Transfer Inquiry Program) to document this card. Without specific changes to Federal Legislation, they would not be allowed to determine the individual's eligibility or non-eligibility from an Illinois DL/ID card.

To absorb the cost of this program, increases in the present fees for a DL/ID card and/or FOID card would necessarily have to be considered. This could be a further detriment to all of these cardholders.

## **PRELIMINARY SOS PROGRAM COST CONSIDERATIONS**

### **Program design and Initialization Study:**

**\$20,000** (1 person x 4 wks (40 hrs/wk) = 160 hrs x \$125/hr)

### **Programming time: \$1,981,000**

A. Provide a FOID Tag for the DL/ID Card database:

**\$120,000** (6wks(240 hrs) x 4 people = 960 hrs x \$125/hr)

B. Expand SOS database, update of records, changes in reports, changes to statistical output files to add record tag and dates (cost and programming greater if Type Action changes also required):

**\$1,500,000**

C. Modify LEADS and data input/output with ISP:

**\$100,000**

D. Modify Mainframe component of DL/ID Card Facility Application program:

**\$40,000** (4 wks(160 hrs) x 2 people x \$125/hr)

E. Modify DL/ID Card Facility application program changes for download:

**\$125,000**

F. Stress test DL/ID Card programming (includes 2 DSD staff for 2 wks and 4 additional (total 6 DSD staff 1 wk) and 3 DoIT staff for 2 wks; average hourly rate used is \$100):

**\$96,000**

### **Physical changes to the Drivers License/Identification Card:**

**\$30,000**

Annual personnel costs will also increase approximately \$26,300 with the addition of at least one new employee centrally to handle the questions and problems encountered from the facility.

Annual cost in lost time in each facility due to the slowdown of issuing DL/ID documents is dramatic, but impossible to calculate at this time.

## **SUMMARY AND CONCLUSION**

The Office of the Secretary of State has determined that adding a “not disqualified” indicator to the Illinois Driver’s License or Identification Card is not currently feasible or desirable. Quite simply, the FOID and Illinois Drivers License/Identification Card serve distinctly different tasks that require distinctly different validations. Looking at combining these or other functions into one card may appear to offer savings or convenience at first blush. However, these key differences, along with the very serious implications of introducing any error, delay, complexity, or inadequacy in controls when verifying FOID card eligibility, make it not feasible, not cost effective, not better service to the card holder, and perhaps in a worst case scenario, not even in the best interest of public safety.

Thus, as enumerated in this document, the Office of the Secretary of State recommends that such an attempt at integration not be pursued at this time, because of the anticipated costs, potential consequences, and limited capacities of such a system to deliver the level of responsiveness and service that both card holder groups deserve and currently receive.