



CLIENT ALERT

March 2023

Changes to Clear and Present Danger Reporting

by Maureen Anichini Lemon

Under the School Administrator Reporting of Mental Health Clear and Present Danger Determinations Law, 430 ILCS 66/105, school principals and designees must notify the Illinois State Police Office of Firearms Safety (ISP) within 24 hours of determining that a student poses a clear and present danger to himself, herself, or others. This determination may be based on demonstrated threatening physical or verbal behavior, such as violent, suicidal, or assaultive threats, actions, or other behavior. The ISP uses this information to determine if an individual's Firearm Owners Identification (FOID) card should be denied, revoked, or remain valid.

In mid-February, the ISP emailed Illinois school administrators and building principals notifying them of upcoming changes to how to submit Clear and Present Danger reports. The ISP is moving away from accepting such reports by fax or email. After March 15, 2023, all clear and present danger reports submitted by school districts must be submitted through the ISP's new online Law Enforcement Portal. The ISP created a Law Enforcement Portal School Administrator Agreement that it asked all school districts to sign and return by March 1, 2023. Due to concerns raised by school stakeholders, the ISP has modified its User Agreement to better meet the interests of school districts. Your school district should have received an updated Portal User Agreement and only one such Agreement needs to be signed on behalf of each school district. The deadline to return this updated Portal User Agreement is March 15, 2023. Once your school district signs and returns the modified User Agreement, the ISP will issue a username to your school district that must be used to submit future clear and present danger reports. The ISP intends to share training materials with school districts in the near future.

If you have questions regarding your obligations under the Clear and Present Danger Reporting law, threat assessments, or other safety-related matters, please contact one of our Ottosen Law attorneys for assistance.

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