

A Second Amendment Sanctuary: Looking at Madison County's Firearms Laws with the State's Attorney

by Cory Davenport, Contributing Writer
February 26 2019 11:25 AM



EDWARDSVILLE – Regardless of political affiliations, most voters in Madison County are for the Second Amendment.

Recently, Madison County voters overwhelmingly decided to make the county a Second Amendment Sanctuary, something Madison County State's Attorney Tom Gibbons, a Democrat himself, said is a mostly symbolic vote. He said more than 50 other Illinois counties have voted for the same principle. While it has no legal binding, Gibbons said the choices of the voters across the state to support the second amendment should send a strong message to Springfield regarding how folks in Illinois feel about their right to own guns.

Whether or not they are listening is another issue. Gibbons said the legislators from Madison County representing the area in Springfield have internalized that message. Representative Monica Bristow (D-Alton) recently held a town hall about it accompanied by representatives from the Illinois Rifle Association (IRA). Gibbons also said State Senator Rachelle Crowe (D-Alton) and himself were both certified for conceal and carry together five years ago.

Despite this local push, Senate Bill (SB) 107, has been introduced to the Illinois General Assembly, which would require the paid registration (\$25) of assault rifles. Assault rifles, as defined by the bill's language, would include items such as a grip used by a hand outside the trigger hand, folding stocks and ammunition magazines holding more than 10 rounds of ammunition.

“In my opinion, this bill does not stand a chance,” Gibbons said. “It's a long shot this bill goes anywhere. It's so overly broad, it completely destroys the rights of citizens to enjoy sporting weapons. This is a bill that was written with no understanding of how law-abiding citizens use their firearms safely.”

If passed, Gibbons said a sporting rifle given to him as a young man would be considered an assault rifle. The rifle itself was gifted by Gibbons to his son, and it is popular among many sporting rifle enthusiasts across the state. It is a simple Marlin Model 60 .22 caliber rifle. Its bullets are not effective for conducting a mass casualty event, either. It is commonly used for target practice and squirrel hunting.

“If the law does pass, you will find me at the federal courthouse filing suits,” he said. “I don't know if it will be as a private citizen, the state's attorney, or both, but I will be down there. It's grossly unconstitutional and federal courts will most likely see that from across the state if it passes.”

It may be obvious at this point how Gibbons feels about the rights of Madison County citizens to responsibly own firearms and protect themselves, but this story goes further back to 2011, before Illinois had a clear conceal and carry allowance for its citizens.



Area of Interest

“It's always been an area of interest for me,” Gibbons said. “I started talking about concealed carry in 2011 and 2012. I was advocating for such a statute in Illinois. I visited a lot of police chiefs in the area and concealed carry was a large part of that. The more I talked with people, the more I realized there were questions.”

To properly answer those questions as the highest law enforcement office in Madison County, Gibbons said he studied several use of force laws as well as case laws in order to answer questions from people. The more he studied, the more he was asked. Eventually, he attained a reputation of being a sort of expert on the subject. This designation carried through Illinois's passing of concealed carry laws.

“People had a lot of questions in lawful use of force and transporting firearms legally,” he said. “So I started talking to concealed carry classes and gun clubs as well as anyone who was interested in deadly force laws. We talked about how people can protect themselves their homes, businesses and public places.”

While Gibbons said he was not surprised by what he learned studying use of force and case laws, but said many people are not properly informed regarding their rights as law-abiding firearms owners.

“A lot of myths persist – people keep hearing things and repeating it,” he said. “They think, 'don't I have an obligation to retreat? They don't. Citizens have every right to stay where they are and defend themselves.’”

While “stand your ground” laws have a negative connotations, especially after the death of Trayvon Martin at the hands of George Zimmerman, Illinois residents are allowed to defend themselves with deadly force for two reasons, Gibbons said. The number one

reason is obvious – to prevent the imminent infliction of great bodily harm or death – but number two is a bit more vague.

“It can also be used against the commission of a forcible felony,” he said.

Forcible felonies include burglary, robbery, carjacking, almost the entire gamut of sex crimes and even treason. Gibbons said these laws are pretty clear, adding his job often puts himself in the position of judging whether or not a use of force was justified.

“On Friday, we had a verdict on a murder case,” he said. “I was happy the jury didn't identify it as actual self defense. It involved a fist fight with someone substantially smaller than himself. He did get beat up. There was a lot of animosity. When the fight was over, he was in the house, grabbed a gun, and started firing. He claimed he was disoriented and beaten within an inch of his life. This was not true, and I'm glad the jury saw it was not true.”

Gibbons was able to use that case to instruct concealed carry students on Saturday and Sunday – something he tries to do most weekends for students from Piassa Armory and Trigger Talent, two groups offering these classes at the Alton Wood River Sportsman's Club.

“I tell people that safety is their goal, and that safety is not guaranteed just because you have a firearm,” he said. “When that bullet leaves the end of your gun, you own it. What it does from there is your responsibility. I teach people to be safe with their freedom – so they don't have to spend time in jail for actions they take – with their heart – so they know how to deal with the emotional consequences of what they may have to do – and with their pockets – so they don't have to pay financially for actions they take incorrectly.”



Further Certification

Recently, Gibbons discovered he had to be certified through the Illinois State Police (ISP) to continue to offer instruction in the State of Illinois. With the help of Piasa Armory, he was able to get certified in NRA Pistol instruction – a prerequisite for continued instruction.

“State's Attorney Gibbons has been generous enough to share his time with the students in our concealed carry classes,” Piasa Armory owner Scott Pulaski said in a Facebook message. “However, the ISP decided that his numerous qualifications were not enough to allow him to be present during these classes. We provided instructor certification through the National Rifle Association (NRA) to Mr. Gibbons and the remainder of our staff that were not certified, allowing them to receive certification through the ISP. We are always grateful to Mr. Gibbons and the valuable insight that he provides to our students.”

When teaching students of concealed carry classes, Gibbons volunteers his time. He said he feels it is within his duties as the Madison County State's Attorney to instruct people on the law and how it affects their safety and daily lives.