

Haine Asks Illinois Supreme Court To Strike Down FOID Act

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EDWARDSVILLE — Madison County State’s Attorney Tom Haine announced today that his office has submitted an amicus curiae, or “friend of the court,” brief to the Illinois Supreme Court on behalf of Madison County urging the Court to strike down the FOID Act as unconstitutional.

“Madison County citizens value their Second Amendment rights,” Haine said. “Chicago and Cook County have filed briefs supporting the FOID Act in an important case, defining Second Amendment rights for Illinois residents, which is currently before the Illinois Supreme Court. Madison County and the rest of Illinois has a very different understanding of our Second Amendment rights than the views of Cook County and Chicago. It is important that the voice of Madison County be heard by the Illinois Supreme Court alongside the restrictive views from Chicago. This amicus brief allows our position to be heard loud and clear before the state’s highest court – the FOID Act is unconstitutional, and must go.”

Madison County’s brief makes the following arguments before the Court:

The FOID Act does not advance the “public interest” because the “law poses no practical deterrent to those who violate it.” It is clear through the experience of local prosecutors that the “the FOID Act does not in fact advance public safety in Madison County and is an unconstitutional burden on peaceable Madison County citizens. Its public-interest justification exists only in theory, not in reality.”

Additionally, the brief also analyzes recent trends in the United States Supreme Court decisions, and determines that the FOID Act, in addition to having insufficient “public interest” justification, is per-se unconstitutional, stating: “It is simply a historical fact that nothing like the FOID Act’s requirement that law-abiding citizens obtain a license before possessing any kind of firearm in the home existed in or around the founding era, and such a requirement is highly unusual even today.”

The brief closes by asking the Supreme Court to “make clear that the Constitution protects law-abiding, responsible citizens in Madison County and throughout Illinois from being forced to ask permission before they can simply protect their home.”

Madison County is the first Illinois county to file an Amicus Brief in this pending case, seeking to uphold Second Amendment rights for Illinois citizens. Currently, Illinois is one of the only three states in the nation that require a license to exercise their Second Amendment rights, which includes Massachusetts and New York.

Haine thanked his Civil Division Chief ASA Andrew Carruthers and Civil Division ASA John Hanson, both of whom were signatories on this brief, for their excellent work on behalf of the county.