

Illinois Supreme Court Rules Assault Weapons Ban Is 'Constitutional'

by Dan Brannan, Content Director
August 11 2023 1:37 PM



SPRINGFIELD - In a 4-3 ruling on Friday, the Illinois State Supreme Court issued a ruling that the state weapons ban was "constitutional."

The ban was enacted after a deadly mass shooting in the Highland Park suburb of Chicago where seven people died and dozens were injured.

Governor JB Pritzker signed an assault weapons ban earlier this year.

This was what the Illinois Supreme Court found: "First, we hold the circuit court erroneously entered summary judgment for plaintiffs on their equal protection and

special legislation claims. Plaintiffs are not similarly situated to the trained professionals. To the extent plaintiffs claim they possess restricted items, they are not treated differently from the grandfathered individuals.

"To the extent plaintiffs claim they do not possess restricted items, they are dissimilar to the grandfathered individuals, who have a reliance interest in retaining them. Second, we hold that plaintiffs waived any second amendment challenge to the restrictions, as the complaint did not state a claim and plaintiffs explicitly and repeatedly disclaimed any such argument in the circuit court. Third, we hold plaintiffs' failure to cross-appeal from the denial of relief under count II bars them from renewing their three-readings claim here. For these reasons, the judgment of the circuit court of Macon County is reversed."

The Illinois Supreme Court found the state's assault weapons ban constitutional Friday, overturning a lower court decision. The law bans dozens of types of rifles and handguns, 50 caliber guns, attachments and rapid-firing devices. The most popular gun targeted is the AR-15 rifle.

The first assault weapons ban law was challenged immediately after Pritzker signed it and it made its way to the state supreme court. The assault weapons ban will still face legal challenges in federal court.

The lawsuit filed by Republican Representative Dan Caulkins, from Decatur, and other gun owners like him alleges the law violates the Second Amendment right to keep and bear arms.

"The majority opinion ignores the actual allegations of the challenge, rewrites a fictional version to serve a politically desired result," Caulkins said. "The thrust of the lawsuit is that all citizens with FOID cards are similarly situated in terms of their enjoyment of Second Amendment Rights and the different treatment of FOID card holders does not survive Special Legislation or Equal Protection. This is more of a political decision than anything else. The truth is JB Pritzker spent millions in the last election cycle to ensure the outcome of cases just like this. In fact, the Justice writing the opinion for the majority received more than \$1 million in funding from JB Pritzker. The ruling today is not the outcome I wanted, but it was sadly the outcome I anticipated."

Caulkins noted the weapons ban has been in effect for about seven months, but little has changed in terms of violence in Illinois. In Chicago alone, there have been 367 homicides this year to date.

"What has changed with the passage of this law?" Caulkins said. "People are still being murdered. Violence is still happening. The only thing this law accomplishes is to give

JB Pritzker something to use to curry favor with the far-left wing of the Democratic party that is so vital to would-be presidential candidates. Our Constitutional rights are being violated to help Governor Pritzker advance his political career. It is sad day in Illinois.”

Gov. Pritzker Issues Positive Comment About Supreme Court Decision

Governor JB Pritzker issued the following statement in response to the Illinois Supreme Court ruling upholding the Protect Illinois Communities Act:

“I am pleased that the Illinois Supreme Court has upheld the constitutionality of the Protect Illinois Communities Act. This is a commonsense gun reform law to keep mass-killing machines off of our streets and out of our schools, malls, parks, and places of worship. Illinoisans deserve to feel safe in every corner of our state —whether they are attending a Fourth of July Parade or heading to work — and that’s precisely what the Protect Illinois Communities Act accomplishes. This decision is a win for advocates, survivors, and families alike because it preserves this nation-leading legislation to combat gun violence and save countless lives.”

Rep. Elik Statement on IL Supreme Court Ruling in Favor of Gun Ban

State Representative Amy Elik (R-Alton) issued the following statement after the Illinois Supreme Court ruled 4-3 to uphold legislation enforcing a gun ban in the state:

“I’m disappointed but not surprised in the ruling made by the Democrat majority on the Illinois Supreme Court. I appreciate the dissent by Justice Holder-White citing language concerning the constitutional requirement that a bill be read three days before its adoption. I voted against the firearm ban earlier this year because I support the Constitution. In the meantime, law-abiding gun owners including myself look forward to an opinion by the U.S. Supreme Court because our nation’s highest court will have the ultimate decision.”

Republican Sally Turner Issues Statement

State Senator Sally Turner (R-Beason) issued this statement: “Today’s ruling is both disappointing and unsurprising. While the Illinois Supreme Court has chosen today to rule against law-abiding gun owners, the federal judicial system will have the final say on this blatantly unconstitutional law on the merits of our 2nd Amendment.”

"This bill was written with constitutionality in mind," stated Ashbey Beasley, a Highland Park shooting survivor and gun control advocate. "It was based on bills in other states where the same ban has been upheld and so I am just grateful for the Illinois Supreme Court following along with precedent and doing the right thing."

Attorney General Raoul Issues Statement on State Supreme Court Ruling

Attorney General Kwame Raoul today released the following statement in reaction to the Illinois Supreme Court ruling on the Protect Illinois Communities Act.

"We are pleased with the court's decision. The Protect Illinois Communities Act is a critical part of a multi-faceted approach to addressing gun violence. We are firmly committed to protecting Illinois residents from the gun violence that impacts too many communities throughout the state. We will continue to defend the constitutionality of the Protect Illinois Communities Act and other measures that reduce gun violence in our communities."

Welch: Ruling Shows that Safety Isn't Subject to the Veto of the Gun Lobby

House Speaker Emanuel 'Chris' Welch released the following statement Friday after the Illinois Supreme Court upheld House Democrats' law banning the sale of assault rifles, high-capacity magazines, and rapid-fire modifications:

"The Supreme Court's ruling upholds the legislature's commitment to value the lives of our children over guns. This ruling makes it clear that the safety of our cities, our suburbs, and our small towns is not subject to the veto of the gun lobby. Such statements should not be profound or controversial, but in a time when the specter of gun violence looms over every aspect of our lives and preventable tragedies are seemingly a daily occurrence in communities small and large across the country, this ruling in favor of commonsense gun safety is monumental.

"I want to thank Representative Bob Morgan and Representative Maura Hirschauer, who championed this legislation, along with all the members of the Firearm Safety Working Group who dedicated so much time to meeting with stakeholders, studying efforts undertaken in other states, and utilizing that insight to create one of the nation's strongest gun safety laws.

"We know there is more work to be done. We know no single law can make up for decades of Washington politicians allowing federal regulation to wither and neighboring states refusing even the most reasonable measures to address unregulated gun sales. Our commitment to value innocent lives calls on us to continue the work to get guns out of the wrong hands, to expand access to mental health treatment, and to invest in

community-based approaches to violence prevention. I encourage our Republican colleagues to join in these efforts as partners, rather than litigants.”

Congresswoman Mary Miller (R-IL) issued the following statement on the Illinois Supreme Court's decision to uphold Governor JB Pritzker's unconstitutional Illinois gun ban.

"The Illinois Supreme Court ignored the Second Amendment by upholding JB Pritzker's unconstitutional gun ban," Miller said. "JB Pritzker's goal is to defund the police, release dangerous criminals onto the streets with his "SAFE-T Act," and take away your ability to protect yourself and your family. This fight is not over, and the Second Amendment will prevail!"

Springfield Senator McClure: The Gun Ban Was "Unconstitutional"

State Senator Steve McClure (R-Springfield) said, “This ruling went as expected, with Illinois’ very political state Supreme Court ruling to protect their allies in the majority party. There are lawsuits against this ban that are still underway in the federal system, and that have a much better chance of getting a fair ruling on the merits of the law. I believe the gun ban is unconstitutional, which is why I joined a bipartisan group of lawmakers to oppose it in the General Assembly. I am optimistic that our nation’s highest court will agree and will overturn the law.”

State Senator Chapin Rose (R-Mahomet) said in a statement:

“Despite what the Illinois Supreme Court may have ruled, I remain confident that the rights of law-abiding citizens will be upheld in federal court. I would remind everyone that under the Democrats’ other legislative push, the so-called SAFE-T Act, that criminals are running our streets, because the Democrats and their allies fail to enforce the countless criminal statutes that were already in place. They don’t want to arrest and prosecute actual criminals, but they continue going after law-abiding citizens. Until you get serious about actually putting bad guys behind bars, all crime, including gun crimes, will remain rampant. That lies solely at the feet of JB Pritzker and his Democrats.”

State Rep. Blaine Wilhour: Illinois Supreme Court Ignores Constitution in Upholding Weapons Ban Law

The Illinois Supreme Court today shredded our State Constitution by siding with JB Pritzker in its ruling to uphold the weapons ban law, according to State Representative Blaine Wilhour (R-Beecher City).

In their ruling on DAN CAULKINS et al., Appellees, v. JAY ROBERT PRITZKER, in His Official Capacity as Governor of the State of Illinois, et al., the Court completely ignored the main point of the lawsuit which is the unequal application of the state's FOID card through special legislation. The weapons ban law allows some FOID card holders to have firearms such as AR-15s but not others. The idea that a Constitutional right would be granted to some citizens but not others is on its face a violation of the Constitution.

“This decision was not about the law,” Wilhour said. “It was about politics. The Governor bought and paid for this decision with the millions of dollars he put into State Supreme Court races last year and he got the outcome he purchased.”

Wilhour said the law has been in effect since the beginning of the year and has not made any kind of impact on violence in the state. There have been 367 homicides so far this year in the City of Chicago.

“Where is the evidence this law has done anything to make communities safer?” Wilhour said. “The political class in this state continues to make rules for the entire state but is never held accountable for the failures of their policies. This law violates the Constitutional rights of honest citizens, and it does not even make a dent in curbing violence in our communities. The US Supreme Court will eventually weigh in and do what the Illinois Supreme Court lacked the courage to do which is to protect the rights of honest citizens.”]

Illinois FOP Statement Regarding Supreme Court Decision On Semiautomatic Weapons Law

Illinois Fraternal Order of Police (FOP) State Lodge President Chris Southwood issued the following statement today regarding the Illinois Supreme Court's decision to uphold the law that bans the sale and further regulates the ownership of semiautomatic weapons in Illinois:

“The Illinois General Assembly's recent actions have made it harder and more dangerous to be a cop and for police officers to protect the general public. Now, with this decision, the Illinois Supreme Court has indicated it is willing to go along with a law that removes an important self-defense option for law-abiding citizens to use when the police aren't nearby. Thankfully, this case will now be taken to the U.S. Supreme Court, where Illinois' citizens may be given the fighting chance they deserve.”

“Make no mistake, criminals will always find a way to use banned firearms against the police and the citizens we are sworn to protect. Suddenly making law-abiding citizens

into criminals will put all of us more at the mercy of lawbreakers. We are optimistic that the U.S. Supreme Court will strike down this law and keep police from becoming dreaded, gun-confiscating agents of the government.”

The Fraternal Order of Police, founded in 1915, is the largest organization of sworn law enforcement officers in the United States. With a proud tradition of officers representing officers, the FOP is the most respected and most recognized police organization in the country. The Illinois FOP, chartered in 1963, is the second largest State Lodge, proudly representing more than 34,000 active duty and retired police officers - more than 10 percent of all FOP members nationwide.

A backpack and school supplies drive-thru at Alton High School helped prepare students for the coming school year.

Rep. Adam Niemerg Statement On Court Ruling

State Rep. Adam Niemerg (R-Dietrich) is issuing the following statement on the Illinois Supreme Court’s ruling on DAN CAULKINS et al., Appellees, v. JAY ROBERT PRITZKER, in His Official Capacity as Governor of the State of Illinois, et al.

“There was little doubt going into the release of this ruling of how our completely partisan Supreme Court would decide this case. Politics trumps all in the corrupt State of Illinois. This law unequally applies the law by granting some FOID card holders the right to bear certain types of firearms but denies that same right to others. It violates Article IV Section 8 (d) of the Constitution which requires all bills to be read three times. And it violates the Second Amendment. If the ruling class in Illinois had even a shred of honesty and decency the rights of honest citizens would have been protected today. Instead, the far-left activists on the Supreme Court decided to put politics above the law. This decision – while not a surprising one – is the outcome Governor Pritzker bought with the millions of dollars he put into Supreme Court races in the last election. Today is a dark day for Illinois.”

Illinois. Rep. Schmidt Released The Following Statement Following The Assault Weapons Ban Ruling:

“From day one my Republican colleagues and I have challenged the constitutionality of the Democrats’ broad gun ban, advocating for a focus on law enforcement and crime prevention instead. This rushed gun restriction unfairly impacts responsible gun owners while doing little to deter criminals. We remain steadfast in our belief that the Constitution’s principles must be upheld, and we urge the Governor and Democrats to prioritize effective solutions rather than infringing upon citizens’ rights.”

Democratic Party Of Illinois Issues Comment About Assault Weapons Ban Ruling

Following the Illinois Supreme Court decision to uphold the Protect Illinois Communities Act, Democratic Party of Illinois Chair Lisa Hernandez released the following statement:

“Today, the Illinois Supreme Court has upheld the constitutionality of the Protect Illinois Communities Act, an important victory in the fight to end preventable and senseless gun violence. All Illinoisans deserve to live without fear of being gunned down at school, at parades, in houses of worship, or in any of our communities. Illinois Democrats are leading the way to make that a reality. It is essential that we keep these lethal weapons out of the wrong hands, and I thank Governor Pritzker, President Harmon, Speaker Welch, and Representative Morgan for their commitment to protecting the well-being of all Illinoisans. We will continue our work to protect our children, our communities, and our right to live in a world free from gun violence,” said Hernandez.

Joint Statement IDPH and IDHS About Assault Weapons Ban Decision

Statement from Dr. Sameer Vohra, director of the Illinois Department of Public Health:

“I am pleased that the Illinois Supreme Court has upheld the Protect Illinois Communities Act. Easy access to assault-style weapons has created a clear and present danger for Illinoisans. Gun violence is a significant public health threat in Illinois, and the public deserves the right to be free from the threat of mass shootings. IDPH will continue its efforts to reduce gun violence, through the ongoing distribution of gun locks and other firearms safety initiatives to prevent such tragedies.”

Statement from Grace B. Hou, Secretary of the Illinois Department of Human Services:

“Here at IDHS, we are committed to ending cycles of violence in communities that have been disproportionately impacted for generations. The Illinois Supreme Court made the right decision today to uphold an act meant to protect these communities from further harm. I'm thankful for the relentless work of so many advocates, our legislative leaders, Gov. JB Pritzker and his administration, and community outreach and violence prevention workers who have made reducing gun violence a priority in Illinois. IDHS will continue to advance our efforts and investment in public safety through initiatives like the Reimagine Public Safety Act and our Office of Firearm Violence Prevention. By utilizing data to inform where help is most needed, we continue to address both immediate needs and systematic change to reduce gun violence, and most importantly, reach even more communities that have historically been left to fend for themselves.”