



Written by [David Kelly](#) on August 14, 2023

Illinois Supreme Court Upholds Assault Weapons Ban

The Illinois Supreme Court on Friday narrowly upheld the “[Protect Illinois Communities Act](#),” which was signed into law by Governor J.B. Pritzker earlier this year and bans the sale or possession of new assault weapons, including some semiautomatic firearms, along with high-capacity magazines and rapid-firing devices. The weapons-ban legislation was driven by state Democrats shortly after a [gunman killed](#) seven people at a Fourth of July parade in the Chicago suburb of Highland Park.



Michael B./flickr

The court’s [4-3 ruling](#) overturned an appellate court [ruling](#) in a lawsuit brought earlier this year by Republican state Representative Dan Caulkins, who argued that the sweeping ban violates the state’s constitution.

According to [Reuters](#), the ruling comes after the Supreme Court of the United States (SCOTUS) “denied a request in May by the National Association for Gun Rights and a firearms retailer for an injunction blocking enforcement of the state law and a similar ban enacted by another Chicago suburb, Naperville, while a legal challenge to the measures proceeds. No justice publicly dissented from the decision.”

In Friday’s ruling, Justice Elizabeth Rochford [wrote](#) that the act’s “exemptions neither deny equal protection nor constitute special legislation” by treating certain citizens differently than others by exempting them from the law.

Reuters [shared](#):

Those exemptions applied to people who complete firearms training while employed in law enforcement, the military and private security and individuals who already owned the prohibited guns before the ban was enacted.

“The Act attempts to balance public safety against the expertise of the trained professionals and the expectation interests of the grandfathered individuals,” Rochford wrote in an opinion that was joined by three of her fellow Democratic justices.

The court shared in its ruling that the plaintiffs’ “complaint did not allege the restrictions violate the second amendment to the United States Constitution, and none of the six counts were labeled that way.” Thus, Rochford wrote, the court members “express no opinion on the potential viability of plaintiffs’ waived claim concerning the second amendment.”

However, key to the court’s decision is the plaintiffs’ failure to cross-appeal their claim that the act violates the three-readings [clause](#) of the Illinois Constitution, leading to the reversal of the previous



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court's ruling.

Governor Pritzker celebrated the court's decision, stating in a [press release](#):

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.

The *Chicago Sun-Times* [added](#):

Highland Park Mayor Nancy Rotering issued a statement saying the ruling sends a message to residents that saving lives takes precedence over thoughts and prayers and acknowledges the importance of sensible gun control measures.

"We as a nation do not have time to wait," she said. "Congress now needs to take the next step and work to end mass shootings across the nation."

The act has other lawsuits filed against it, alleging that the legislation violates the Second Amendment. The *Chicago Tribune* [reported](#), "Those lawsuits, filed by the Illinois State Rifle Association and other gun rights groups, were consolidated into one case that was argued in June before a three-judge panel of the 7th Circuit Court of Appeals. The panel has yet to issue its ruling."

Last June, in a landmark [ruling](#) on a New York handgun case, SCOTUS declared the U.S. Constitution protects an individual's right to carry a handgun in public for self-defense. That case decision will certainly affect any outcome if this Illinois act makes it to SCOTUS, now that the Illinois Supreme Court has made its decision.

As Reuters reported after the SCOTUS denial in May, National Association for Gun Rights President Dudley Brown believes the Supreme Court will decide the case on its merits. "Commonly owned weapons are protected by the Second Amendment and banning them has to stop," he said.



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