

Guide to *Bruen* Decisions in Illinois¹

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(decisions issued through 09/20/24)

Pending in the Illinois Supreme Court

Case Name/Number	Statute	Type	The Highlights
<i>People v. Tyshon Thompson</i> No. 129965 AT Brief Filed: 05/06/24 AE Brief Due: 09/23/24 2023 IL App (1st) 220429-U (06/21/23)	AUUW/No CCL	Facial	The defendant had a FOID card, so his challenge was limited to the denial of his right to open carry. Pointing to Footnote 9 in <i>Bruen</i> , which declined to cast doubt on shall-issue licensing schemes, the court concluded that <i>Bruen</i> “upheld” Illinois’s laws requiring a successful CCL application before lawfully carrying a firearm.

Status-Based Challenges in the Illinois Appellate Court (Published Decisions)

Case Name/Number	Statute	Type	The Highlights
<i>People v. Tramell Brooks</i> 2023 IL App (1st) 200435 (09/25/23)	AHC	As Applied	This is the only case to do <i>Bruen</i>’s historical analysis in Illinois and there are three major takeaways:

¹ Abbreviation glossary:

AHC (Armed Habitual Criminal): 720 ILCS 5/24-1.7(a).

AUUW/No CCL (Aggravated Unlawful Use of a Weapon w/o a Concealed Carry License): 720 ILCS 5/24-1.6(a)(1), (a)(3)(A-5).

AUUW/No FOID (Aggravated Unlawful Use of a Weapon w/o a FOID Card): 720 ILCS 5/24-1.6(a)(1), (a)(3)(C).

AUUW/Under 21 (Aggravated Unlawful Use of a Weapon by a person under 21): 720 ILCS 5/24-1.6(a)(1), (a)(3)(i).

UUWF (Unlawful Use of a Weapon by a Felon): 720 ILCS 5/24-1.1(a).

UUW/No CCL (Unlawful Use of a Weapon for Carrying a Firearm w/o Concealed Carry License): 720 ILCS 5/24-1(a)(10).

UUW/Under 18: 720 ILCS 5/24-3.1(a)(1)

UUW/Barrel Length: 720 ILCS 5/24-1(a)(7)

PLA Filed: No. 130153 (10/30/23)			<ol style="list-style-type: none"> 1. The court concluded the defendant could make his as applied challenge for the first time on appeal. 2. The court concluded that the defendant's status as a felon did not exclude him from "the People," as that term is used in the second amendment. 3. The court found that the AHC statute had sufficient historical analogues and, therefore, upheld it as consistent with the Second Amendment.
<i>People v. Curtis Baker</i> 2023 IL App (1st) 220328 (09/29/23) PLA Filed: No. 130174 (11/03/23)	UUWF	As Applied	<p>This case rejects the defendant's argument at <i>Bruen's first step</i>.</p> <ol style="list-style-type: none"> 1. The court agrees with <i>Brooks</i> that even as-applied challenges could be raised for the first time on appeal. 2. Found that those with felony convictions are "simply outside the box drawn by <i>Bruen</i>" relying on <i>dicta</i> in <i>Bruen</i> and the separate opinions.
<i>People v. Carl Mobley</i> 2023 IL App (1st) 221264 (12/22/3) PLA Filed: No. 130417 (01/31/24)	UUWF	As Applied	<p>This decision is from the same division that decided <i>Baker</i>, but softened <i>Baker's</i> reasoning in some respects:</p> <ol style="list-style-type: none"> 1. The court again relied on the "law-abiding citizen" language from <i>Heller</i> and <i>Bruen</i>, but found that <i>Baker</i> does not foreclose a challenge by defendants with "a felony conviction of any nature." Rather, a defendant may be able to show a nonviolent criminal history and, therefore, that they are not a "felon" as that term is used in <i>Heller</i> and <i>Bruen</i>.

<p><i>People v. Travis</i> 2024 IL App (3d) 230113 (04/19/24)</p> <p>PLA Filed: No. 130696 (05/16/24)</p>	<p>UUWF/AHC</p>	<p>Facial & As Applied (2A & IL)</p>	<ol style="list-style-type: none"> 1. Rejected State’s forfeiture arguments, finding the felon dispossession statutes have no exceptions that would require further factual development. 2. Agreed with defendant at Step 1, applying <i>Brooks</i> instead of <i>Baker</i>—concluded the text of the Second Amendment contains no exemptions for those with felony convictions. 3. On history, the court relied on the following to uphold the UUWF and AHC statutes: <ol style="list-style-type: none"> a. “Going armed” laws. b. Laws disarming groups perceived to be disloyal at the founding. c. Colonial minority proposals permitting disarmament based on “crimes committed.” d. Attainder laws disarming those who were “delinquents.” 4. Declined to draw a distinction between violent and non-violent felonies for the purpose of the as-applied challenges—left that job to the General Assembly. 5. Relied on the “subject only to the police power” prefatory language to reject the Illinois constitutional challenge.
<p><i>People v. Burns</i> 2024 IL App (4th) 230428 (05/20/24)</p> <p>PLA Filed: No. 130804 (06/21/24)</p>	<p>UUWF (ammo)/AUUW No CCL</p>	<p>Facial & As Applied (2A & IL)</p>	<p>This case is both a challenge to UUWF (the charged offense) and AUUW (the predicate offense). The court first rejected the defendant’s as-applied challenge because it was raised for the first time on appeal; the court did not explain what additional record facts it would need.</p>

			<p>The court rejected the defendant’s facial challenge to UUWF, finding <i>Baker</i> persuasive, and concluding the text of the second amendment did not cover the defendant’s conduct because he was not a “law-abiding” citizen. The court rejected the facial challenge under the Illinois constitution on the basis of the “subject only to the police power” prefatory clause.</p> <p>Rejecting the challenge to the AUUW predicate, the court relied on <i>Bruen</i>’s distinction between may-issue and shall-issue licensing schemes. Relied heavily on <i>Gunn</i> and unpublished Fourth District cases reaching similar conclusions.</p>
<p><i>People v. Kelley</i> 2024 IL App (1st) 230569 (06/12/24) PLA Filed: No. 130821 (06/27/24)</p>	AHC	<p>Facial (2A) Facial & As Applied (IL)</p>	<p>The court declined to conduct an historical analysis under the second amendment, agreeing with other decisions that found it protects only “law-abiding” citizens.</p> <p>The court went on to rely on scholarly sources cited in federal cases provided by the State to conclude that history supports disarming those with felony convictions.</p> <p>The court rejected the Illinois constitutional challenge for reasons similar to other cases: the police power gives the State the authority to prevent those with criminal convictions from possessing firearms. Here, however, the court noted an interesting wrinkle to the as applied challenge, namely that the defendant was still on parole for one of the AHC predicate offenses at the time he possessed the firearm.</p> <p>Justice Reyes wrote separately to express “concern” that the appellate court was too</p>

			casually rejecting <i>Bruen</i> claims at step one by excluding those who are not “law-abiding” from the second amendment. He otherwise concurred in the judgment.
<i>People v. Gardner</i> 2024 IL App (4th) 230443 (08/06/24) PLA Filed: No. 131009 (08/29/24)	UUWF (gun) UUWF (ammo)	Facial	Rejects argument in one paragraph relying on <i>Baker</i> and <i>Burns</i> to conclude that <i>Bruen</i> does not apply because the defendant is not a “law-abiding citizen.”
<i>People v. Robert Thompson</i> 2024 IL App (1st) 221031 (08/30/24) PLA Due: 10/04/24	AUWU/Under 21	Facial	Rejects State’s argument that defendant’s plea waived his constitutional challenge to the statute. Initially relied on <i>Bruen</i> ’s Footnote 9, as ostensibly blessing the constitutionality of all shall-issue licensing schemes, and rejected defendant’s argument at Step 1 citing <i>Gunn</i> . In reaching this conclusion, the court rejected the idea that parental consent in the FOID Card Act operated as a “veto” or otherwise impacted the shall-issue nature of our licensing scheme. The court went on to analyze <i>Bruen</i> ’s second step in the alternative. Here the court assumed that the conduct of 18-to-20-year-olds possessing firearms outside the home is covered by the text of the 2A. The court then marched through pre- <i>Bruen</i> ILSC decisions that had blessed the under-21 provisions of the FOID Card Act in the past, ostensibly relying on a similar historical analysis to the one conducted in <i>Bruen</i> and <i>Rahimi</i> . Turning to history itself, the court relied on historical laws that made under-21s “minors” or “infants” and subject to control of their parents.

			The court also relied on laws that made it the parents' responsibility to procure firearms for their minor children that were subject to militia service. The court then looked to University regulations that prohibited students from possessing firearms on campus.
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Status-Based Challenges in the Illinois Appellate Court (Unpublished Decisions)

Case Name/Number	Statute	Type	The Highlights
<i>People v. Clarence Boyce</i> 2023 IL App (4th) 221113-U (10/24/23) PLA Filed: No. 130220 (11/20/23)	UUWF	Facial & As Applied	The court followed <i>Baker</i> and held that “the <i>Bruen</i> decision does not apply to felons.” The court also rejected the Illinois constitutional challenges summarily finding the defendant made “no coherent argument” to explain why the “police power” mentioned in Article I, Section 22 does not cover restricting felons from possessing firearms.
<i>In re C.P.</i> 2023 IL App (1st) 231033-U (11/21/23) PLA Filed: No. 130294 (01/30/24)	AU UW/Under 21 UW/Under 18	Facial & As Applied (2A & IL)	The court rejected all of the minor’s challenges to AU UW and UW, concluding that the Illinois Supreme Court had already complied with <i>Bruen</i> ’s history-based approach in <i>People v. Mosley</i> , 2015 IL 115872, <i>People v. In re Jordan G.</i> , 2015 IL 116834, and <i>People v. Aguilar</i> , 2013 IL 112116, and had upheld age-based restrictions on the possession of firearms by minors.
<i>People v. James Robinson</i> 2023 IL App (1st) 220959-U (11/17/23) PLA Filed: No. 130398 (01/24/24)	UUWF	Facial & As Applied (2A & IL)	In rejecting the second amendment challenges, the court relied largely on <i>Baker</i> and its reference to the “law-abiding citizen” language in <i>Heller</i> and <i>Bruen</i> , concluding that Robinson, who had past convictions for reckless discharge of a firearm, identity theft, and UUWF, was not law abiding and so not covered by <i>Bruen</i> .

			In rejecting the Illinois Constitutional challenge, the court looked to the prefatory clause of Article I, Section 22, which grants the right to keep and bear arms “subject only to the police power” and found the police power encompassed preventing felons from possessing firearms.
<p><i>People v. Dimetrious Ivy</i> 2023 IL App (4th) 220646-U (11/22/23)</p> <p>No PLA Filed</p>	UUWF	As Applied	The court found the defendant’s as-applied challenge forfeited because he had stipulated to his felon status so there was an insufficient record on which to determine how his past convictions may relate to his <i>Bruen</i> claim. The court left open the Post-Conviction Hearing Act as a possible avenue by which to explore the claim.
<p><i>People v. Giovanni Smith</i> 2023 IL App (2d) 220340-U (12/05/23)</p> <p>PLA Filed: No. 130343 (01/04/24)</p>	AHC	As Applied	The court followed <i>Baker</i> and found that the defendant was excluded from protection under the Second Amendment at <i>Bruen</i> ’s first step because he was not a “law-abiding citizen.” The court then found, assuming the defendant could get to <i>Bruen</i> ’s second step, that his criminal history was not non-violent and that under <i>Brooks</i> and <i>Awkerman</i> , there was a sufficient historical basis to justify the AHC statute.
<p><i>People v. Kashif Muhammad</i> 2023 IL App (1st) 230121-U (12/19/23)</p> <p>PLA Filed: No. 130385 (01/22/24)</p>	UUWF	Facial & As Applied	The court relied heavily on <i>Baker</i> and concluded it did not have to do history because the relevant conduct, “possession of a firearm by a convicted felon” does not fall within the text of the Second Amendment. The court then held that, even if it were to analyze history, it would agree with <i>Brooks</i> , that history supports disarming those with felony convictions.

<p><i>People v. Kelvin Langston</i> 2023 IL App (4th) 230162-U (12/27/23)</p> <p>PLA Filed: No. 130369 (01/16/24)</p>	<p>UUWF</p>	<p>Facial & As Applied (2A & IL)</p>	<p>The court rejected the defendant’s facial second amendment challenge relying exclusively on <i>Baker</i>, finding felons are not covered under <i>Bruen</i>. The court rejected the defendant’s as-applied second amendment challenges, finding them <u>forfeited</u> in reliance on <i>Ivy</i>. The court rejected the defendant’s Illinois constitutional claims, citing <i>Boyce</i>.</p>
<p><i>In re D.B.</i> 2023 IL App (1st) 231146-U (12/29/23)</p> <p>PLA Filed No. 130425 (02/02/24)</p>	<p>AUUF/Under 21 UUF/Under 18</p>	<p>Facial & As Applied</p>	<p>The court first pointed to <i>Mosley</i>, like the court did in <i>In re C.P.</i> The court did go on, however, to cite some additional history that bolstered the conclusion in decisions like <i>Mosley</i>. Finally, the court adopted reasoning like that in <i>Thompson</i>, suggesting that <i>Bruen</i> had “held” that Illinois’s licensing schemes were constitutional.</p>
<p><i>People v. Antwan Jackson</i> 2024 IL App (1st) 221095-U (03/01/24)</p> <p>PLA Filed: No. 130649 (04/29/24)</p>	<p>UUWF</p>	<p>As Applied</p>	<p>The court rejected the defendant’s challenge on the ground that the record was insufficient to decide it—accepting that a defendant could theoretically make an as-applied <i>Bruen</i> challenge for the first time on appeal, the court found the record insufficient to determine whether the defendant was non-violent and found the claim <u>forfeited</u>.</p>
<p><i>People v. Leonard</i> 2024 IL App (4th) 230413-U (04/03/24)</p> <p>PLA Filed: No. 130678 (05/08/24)</p>	<p>AHC</p>	<p>Facial & As Applied</p>	<p>Cites <i>Boyce</i> and <i>Langston</i> and holds in one exasperated sentence: “By incurring a felony conviction, even a nonviolent felony conviction, a citizen forever loses the constitutional right to have a firearm for the defense of his persona nd his house.”</p>

<p><i>People v. Echols</i> 2024 IL App (2d) 220281-U (04/04/24)</p> <p>PLA DENIED: No. 130680 (09/25/24)</p>	UUWF		<p>The court starts by rejecting the State’s forfeiture argument finding the only things the record needs for as-applied challenges is “caselaw, statutory authority, and the qualified offenses charged by the State.”</p> <p>At <i>Bruen</i>’s first step, the court found <i>Baker</i> instructive and concluded that “the people” referenced in the Second Amendment only includes “law-abiding citizens.”</p> <p>The court was unimpressed by the argument that the “law-abiding citizen” language in <i>Heller</i> is <i>dicta</i>, concluding that States in Illinois have previously “credited” <i>dicta</i> from SCOTUS. Even if the court reached the history analysis it would reject it, citing federal cases and <i>Brooks</i> for the proposition that history supports disarming felons—the distinction between violent and non-violent felons being irrelevant.</p>
<p><i>People v. Gross</i> 2024 IL App (2d) 230017-U (04/19/24)</p> <p>PLA Filed: No. 130714 (05/23/24)</p>	UUWF	As Applied	<p>The court rejected the State’s forfeiture argument finding the nature of the felony predicate conviction is not an element of the offense. The court found defendant excluded at <i>Bruen</i>’s first step as a non-law abiding citizen; but relied on published Illinois cases to reject the defendant’s challenge at <i>Bruen</i>’s second step even assuming he was part of “the People.”</p>
<p><i>People v. Box</i> 2024 IL App (4th) 230659-U (05/29/24)</p> <p>PLA Filed: No. 130803 (06/21/24)</p>	UUWF	Facial	<p>Found that <i>Bruen</i> did not apply to the defendant, following <i>Baker</i>, because the defendant was not a “law-abiding” citizen.</p>

<p><i>People v. Lewis</i> 2024 IL App (1st) 230568-U (06/07/24)</p> <p>PLA Filed: No. 130857 (07/11/24)</p>	AU UW/Under 21	Facial	<p>Rejected State's procedural arguments (forfeiture) based on the facial nature of the defendant's challenge.</p> <p>Relied in the reasoning from Hatcher (below), which determined that pre-<i>Bruen</i> Illinois Supreme Court case law had already upheld AU UW/Under 21 using a framework that was sufficiently similar to <i>Bruen</i>'s historical analysis.</p>
<p><i>In re R.W.</i>, 2024 IL App (1st) 231877-U (06/26/24)</p> <p>PLA Filed: No. 130913 (07/26/24)</p>	AU UW/Under 21 AU UW/No FOID U UW/Under 18	Facial & As Applied	<p>The court started by rejecting the State's forfeiture argument, finding the record adequately developed.</p> <p>Perfunctory analysis relying solely on Illinois post-<i>Bruen</i> precedent, largely Hatcher to reject respondent's arguments.</p>
<p><i>People v. Carldwell</i> 2024 IL App (1st) 230968-U (07/08/24)</p> <p>PLA Filed: No. 130948 (08/08/24)</p>	U UW	Facial	<p>Rejected the State's attempt to apply Gunn (AU UW) to the U UW statute via the U UW's backdoor reference to the FOID Card Act.</p> <p>Rejected defendant's claim at <i>Bruen</i>'s first step, finding the second amendment applies only to "law-abiding" citizens. The court agreed with Baker and Mobley.</p> <p>Even if the court moved to Step 2, however, it found a sufficient historical tradition, relying largely on Travis and Brooks.</p>
<p><i>People v. Wright</i> 2024 IL App (1st) 230428-U (07/08/24)</p> <p>PLA Filed: No. 130887 (07/18/24)</p>	U UW	Facial	<p>Rejected the defendant's second amendment claim using almost identical analysis as <i>Carldwell</i> above (same division, same day); rejected the defendant's Illinois constitutional challenge by referring to the police power clause of Article I, § 22.</p>
<p><i>People v. Davidson</i> 2024 IL App (4th) 230398-U (07/31/24)</p>	U UW	Facial	<p>Rejects claim in one paragraph relying on Baker finding the defendant is not covered by <i>Bruen</i> because he was not a "law-abiding citizen."</p>

PLA Due: 09/04/24 (not clear if one was filed)			
<i>People v. Gilbert</i> 2024 IL App (4th) 231164-U (08/06/24) PLA Filed: No. 131024 (09/05/24)	UUWF	Facial	Rejects claim relying on past Fourth District decisions including Boyce and Box , to conclude that <i>Bruen</i> does not apply because the defendant is not a “law-abiding citizen.”
<i>People v. Sherrod</i> 2024 IL App (3d) 230275-U (08/08/24) PLA Filed: No. 131004 (08/29/24)	UUWF	Facial (2A & IL)	Rejects claim relying on Third District precedent in Travis , finding that there are sufficient historical analogues justifying the restrictions imposed by the UUWF statute. Relies on the police power prefatory clause to reject the Illinois constitutional claim.
<i>People v. McNeal</i> 2024 IL App (1st) 231051-U (08/12/24) PLA Due: 09/16/24 (not clear if one was filed)	AHC	Facial (PC)	Court preliminarily concluded that the defendant could raise a facial 2A claim on appeal from dismissal of a PC even though that claim was not in the PC. The court then rejected the State’s argument that the felon prohibitors in the FOID card act rendered the AHC statute constitutional. But ultimately rejected the defendant’s claim relying on First District AHC precedent in Kelly to conclude that <i>Bruen</i> does not protect those who are not “law-abiding.” Applies historical analysis of Brooks assuming that <i>Bruen</i> does apply.
<i>People v. Linzy</i> 2024 IL App (1st) 221921-U (08/13/24) PLA Filed: No. 131027 (09/06/24)	UUWF	Facial (PRJ)	Rejected the defendant’s arguments relying on Brooks , reaching <i>Bruen</i> ’s second step and agreeing there are historical regulations sufficiently analogous to UUWF to make the statute constitutional.

			<p>Relied on federal case law to reject the argument that Brooks's history was insufficiently analogous.</p> <p>Rejected <i>Range</i> as an outlier decision.</p>
<p><i>People v. Thomas</i> 2024 IL App (4th) 240315-U (09/03/24)</p> <p>PLA Filed: No. 131061 (09/18/24)</p>	AHC	Facial	<p>At <i>Bruen's</i> first step, rejected defendant's reliance on Brooks in favor of Boyce (4D) and Baker (1D). Concluded <i>Rahimi</i> did not change the analysis because it retained the "presumptively lawful" <i>dicta</i> as to regulations targeting those with felony convictions.</p>
<p><i>People v. Whitehead</i> 2024 IL App (1st) 231008-U (09/10/24)</p> <p>PLA Due: 10/15/24</p>	AHC	Facial & As-Applied (2A & Ill. Const.)	<p>Rejected State's argument that as-applied challenge is forfeited, finding the record sufficiently developed to consider the argument. Rejected defendant's argument at <i>Bruen's</i> first step, finding the conduct of possessing a firearm as a felon is not covered by the text of the 2A—rejects Brooks's conclusion that felon status is irrelevant at Step 1. Relied on Hatcher and Baker instead.</p> <p>Rejected Illinois Constitutional challenge based on the "police power" language in the prefatory clause of Article I, § 22.</p>
<p><i>People v. Martinez</i> 2024 IL App (2d) 230305-U (09/11/24)</p> <p>PLA Due: 10/17/24</p>	UUWF	Facial	<p>Concluded that defendant's challenge failed at <i>Bruen's</i> first step because, as a felon, he is not part of "the People" described in the text of the 2A, relying on Baker (1D), and Echols (2D). Concluded, assuming Step 2 was required, that Brooks persuasively analyzed the relevant history.</p>
<p><i>People v. Avery</i> 2024 IL App (1st) 230606-U (09/13/24)</p> <p>PLA Due: 10/18/24</p>	UUWF	Facial & As-Applied	<p>Relied on cases like <i>Ivy</i> (4D) to conclude that defendant's as-applied challenge was forfeited because he stipulated to felon status.</p> <p>Relied on Baker to reject defendant's facial challenge at <i>Bruen</i> Step 1.</p>

<i>People v. Morales</i> 2024 IL App (3d) 230433-U (09/19/24) PLA Due: 10/24/24	UUWF	Facial	Relied on <i>Travis</i> (3D) to conclude that defendant was covered by the 2A text at <i>Bruen</i> 's first step. Relied on the discussion of history in <i>Travis</i> to reject defendant's argument at <i>Bruen</i> 's second step.
<i>People v. Miller</i> 2024 IL App (3d) 230377-U (09/20/24) PLA Due: 10/25/24	UUWF	Facial & As-Applied (2A & Ill. Const.)	Relied on <i>Travis</i> , without further explanation, to reject defendant's facial 2A challenge on the merits. Relied on defendant's uncharged criminal history to conclude he was sufficiently dangerous to disarm. Relied on <i>Travis</i> and the police power prefatory clause, to reject defendant's Illinois Constitutional challenge.

Non-Status Based Challenges in the Illinois Appellate Court (Published Decisions)

Case Name/Number	Statute	Type	Analytical Nuggets
<i>People v. Gunn</i> 2023 IL App (1st) 221032 (09/27/23) PLA Filed: No. 130251 (11/29/23)	AUW/No FOID AUW/No CCL	Facial	The challenge was based on an AUW conviction, but the court characterized the challenge as one to the FOID Card Act and Concealed Carry Act themselves and found: <ol style="list-style-type: none"> 1. No case law supported the defendant's claim for possession outside the home. 2. There was "no need" to do <i>Bruen</i>'s historical analysis based, in large part, on Footnote 9 which, in the court's view, "sanctioned" the FOID Card Act.
<i>People v. Calvin Smith</i> 2024 IL App (1st) 221455 (01/29/24) PLA Filed: No. 130456 (02/14/24)	UW/Barrel Length	Facial	Defined the right at issue as the "right to possess short-barreled firearms" and found: <ol style="list-style-type: none"> 1. <i>Heller</i>'s reliance on <i>Miller</i>, which disapproved of short-barreled rifles for

			<p>use in militia service, settled the question at <i>Bruen</i>'s first step.</p> <p>2. The ubiquity of short-barreled firearms in modern times does not show they are a class of arms commonly used <i>for self-defense</i>.</p> <p>3. Persuasive reliance on five federal district court cases, which concluded short-barreled rifles were “dangerous and unusual weapons” not protected by the Second Amendment.</p>
<p><i>People v. Hatcher</i> 2024 IL App (1st) 220455 (03/27/24) PLA Filed: No. 130708 (05/22/24)</p>	<p>AUW/No FOID AUW/No CCL AUW/Under 21</p>	<p>Facial</p>	<p>The court started its analysis by defining the right at issue and rejected defendant's claim that the right was “carrying a firearm in public.” Instead the court said the right was “carrying a firearm in public without a CCL *** or without a FOID card, or while being under 21.” Under that narrow framing, the court concluded the conduct was not covered by the plain text of the Second Amendment reasoning:</p> <ul style="list-style-type: none"> • The text of the Second Amendment covers only law-abiding, responsible citizens—engaging in the conduct as narrowly defined by the court is, by definition, not law abiding. <p>As to the AUW/Under 21, the court adopted reasoning of previous panels finding <i>Bruen</i> did not abrogate cases like <i>Mosley</i> and <i>Jordan G</i>. Finally, the court relied on the now-familiar reasoning that <i>Bruen</i> suggests that Illinois's FOID card and CCL regulations are constitutional based on its positive reference to shall-issue jurisdictions.</p>

			*NOTE: in footnote 6, the court chastises OSAD for making seemingly inconsistent arguments in <i>Miller</i> cases and <i>Bruen</i> cases for those under 21.
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Non-Status Based Challenges in the Illinois Appellate Court (Unpublished Decisions)

Case Name/Number	Statute	Type	Analytical Nuggets
<i>People v. Raphael Smith</i> 2023 IL App (4th) 220958-U (09/14/23) PLA Filed: No. 130093 (10/06/23)	AUUW/No FOID	Facial	<p>The court concluded that Illinois’s licensing scheme is a shall-issue scheme and <i>Bruen</i>, in Footnote 9, did not find such schemes unconstitutional. It also reiterated reliance on the J. Kavanaugh and J. Alito concurrences.</p> <p>This is another case in which the court looked to decisions like <i>Mosley</i> and found that the Illinois Supreme Court has already sufficiently done the history required by <i>Bruen</i>. Only two justices joined this part of the court’s rationale.</p>
<i>People v. Kuykendoll</i> 2023 IL App (1st) 221266-U (12/12/23) PLA Filed: No. 130413 (01/29/24)	AUUW/No FOID AUUW/No CCL	Facial	<p>The court first made an important finding that the defendant had standing, concluding that the AUUW statute “incorporates” the FOID Card and CCL Acts and criminalizes non-compliance.</p> <p>On the merits, the court relied on <i>Gunn</i> and emphasized Footnote 9 from <i>Bruen</i> along with the concurring opinions.</p>
<i>People v. Richardson</i> 2024 IL App (1st) 221508-U (03/29/24) PLA Filed: No. 130603 (04/11/24)	AUUW/No CCL	Facial	<p>The court first concluded that defendant’s plea did not foreclose his challenge because it was a facial challenge.</p> <p>After a lot of preamble, the heart of the court’s analysis is to just rely on <i>Gunn</i>.</p>
<i>People v. Pitts</i> 2024 IL App (1st) 230679-U	AUUW/No FOID	Facial	<p>Claim raised in a 2-1401 petition. The court found this vehicle procedurally proper because</p>

<p>(05/03/24)</p> <p>PLA Filed: No. 130794 (06/20/24)</p>			<p>a statute can be challenged as facially unconstitutional at any time.</p> <p>Relied, in part, on the distinction <i>Bruen</i> made between may-issue and shall-issue licensing schemes, pointing to footnote 9. Otherwise largely followed <i>Gunn</i>.</p>
<p><i>People v. Hardaway</i> 2024 IL App (1st) 230880-U (05/14/24)</p> <p>PLA Filed: No. 130739 (05/31/24)</p>	<p>UUW/Barrel Length</p>	<p>Facial</p>	<p>Claim raised in a 2-1401 petition.</p> <p>Relied exclusively and heavily on the reasoning in <i>Calvin Smith</i>.</p>
<p><i>People v. Mofreh</i> 2024 IL App (1st) 230524-U (08/15/24)</p> <p>PLA Due: 10/15/24 (PFR filed and denied)</p>	<p>AUW/No FOID</p>	<p>Facial</p>	<p>Relies on past cases like <i>Burns</i> (4D), <i>Hatcher</i> (1D), and <i>Gunn</i> (1D), and declines to depart from them.</p> <p>Under <i>Rahimi</i> finds a circumstance under which the law could be constitutionally applied—where a person is prohibited by federal law from possessing a firearm—and finds the defendant in <i>Rahimi</i> was such a person. Therefore, because there is a single circumstance under which the statute could be constitutionally applied, it is not facially unconstitutional.</p>
<p><i>People v. Nelson</i> 2024 IL App (1st) 231500-U (08/22/24)</p> <p>PLA Due: 09/26/24</p>	<p>AUW/No CCL</p>	<p>Facial (PRJ)</p>	<p>Rejects State’s argument that defendant didn’t have standing because he has standing to challenge the statute that criminalizes noncompliance with the FOID Card Act.</p> <p>Rejects the argument on the merits at <i>Bruen</i>’s first step following <i>Hatcher</i> and <i>Gunn</i>.</p> <p>Rejects the argument on the merits at <i>Bruen</i>’s second step following <i>Sinnissippi</i>.</p> <p>Copies and pastes the <i>Rahimi</i> paragraphs from <i>Mofreh</i> (see above).</p>

<i>People v. Santillanes</i> 2024 IL App (1st) 221178-U (05/30/24) PLA Filed: No. 130765 (06/11/24)	AUUW/No FOID	Facial	Began by explaining that 2A arguments should be consistent in the context of licensing schemes and defendant's should clarify whether they are challenging the scheme itself or the criminal statute punishing non-compliance with the scheme. The court then began its analysis relying on <i>Gunn</i> and the distinction <i>Bruen</i> made between may-issue and shall-issue schemes.
<i>People v. Lewis</i> 2024 IL App (1st) 230568-U (06/07/24) PLA Filed: No. 130857 (07/11/24)	AUUW/Under 21	Facial	Rejected State's procedural arguments (forfeiture) based on the facial nature of the defendant's challenge.
<i>People v. Allison</i> 2024 IL App (1st) 230395-U (09/16/24) PLA Due: 10/21/24	AUUW/No CCL	Facial	Relied on <i>Bruen</i> 's Footnote 9 and Illinois cases like <i>Hatcher</i> to reject defendant's claim without an historical analysis.

PFA Appeals

<i>People v. Frazier</i> 2024 IL App (1st) 232028-U (02/23/24)	AUUW/No FOID	As-Applied	The defendant attempted a challenge to AUUW/No FOID on the ground that he could never obtain a FOID card due to his age (under 21). The parties agreed the case was moot, and the court declined to apply the public interest exception: <ol style="list-style-type: none"> 1. The court focused on the need for definitive determination prong of the public interest exception.
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			2. Relying on <i>Baker</i> , <i>In re C.P.</i> , and <i>In re D.B.</i> , the court found the issue was not novel and had already been decided.
<i>People v. Martin</i> 2024 IL App (4th) 231512-U (03/12/24)	AUUW/No FOID	Facial	Found the challenge forfeited because the <i>Bruen</i> challenge in the memorandum was more specific than the claim on the notice of appeal that “the charge in Count II is unconstitutional.”

Civil Cases

Case Name/Number	Statute	Type	Analytical Nuggets
<i>Awkerman v. Illinois State Police</i> 2023 IL App (2d) 220434 (11/28/23) No record on January 2024, March 2024, or May 2024 PLA dockets.	Felony FOID Denial ²	As Applied	<p>Here, the plaintiff argued that the “perpetual” denial of a FOID card based on his past felony conviction of conspiracy to commit cannabis trafficking violated the Second Amendment under <i>Bruen</i>:</p> <ol style="list-style-type: none"> 1. The court assumed, without deciding, that the plaintiff met <i>Bruen</i>’s first step (though the court did highlight the separate writings in <i>Bruen</i> that the court in <i>Baker</i> relied on). 2. The court cited federal circuit court decisions concluding that history permitted the disarmament of all felons. <p>The court went on to conclude that drug trafficking is “inherently dangerous,” rejecting the plaintiff’s claim that he could not be disarmed because he was nonviolent.</p>

² 430ILCS 65/8(c); 430 ILCS 65/10(c).

<p><i>Sinnissippi Rod & Gun Club, Inc. v. Raoul</i>, 2024 IL App (3d) 210073 (03/01/24)</p> <p>No record on March 2024 or May 2024 PLA dockets.</p>	<p>UUW/No CCL AUUW/No CCL</p>	<p>As Applied</p>	<p>The plaintiffs filed an action for declaratory judgment seeking to declare 720 ILCS 5/24-1(a)(10) and 720 ILCS 5/24-1.6 (the CCL provision) unconstitutional on the ground that the Second Amendment protects a right to open carry.</p> <ol style="list-style-type: none"> 1. The court declined to address the plaintiffs’ argument that text of the Second Amendment protects the right to carry a firearm in a particular way—instead, the court assumed <i>Bruen</i>’s first step applied and went on to the historical analysis at step 2. 2. The court pointed to a “long-standing” custom of regulating the <i>manner</i> in which firearms could be carried in public. <ol style="list-style-type: none"> a. Laws that banned concealed carry of firearms altogether. b. No tradition of outright banning public carry; but a tradition of banning types of public carry (either open or concealed). c. Regulations that banned the carry of firearms to prevent “fear” and “terror.” 3. There is a dissent that concludes that much of the history the State provided was not sufficiently analogous. <ol style="list-style-type: none"> a. Much of the antebellum history, for example, showed that it was the right to <i>open</i> carry, not concealed carry, that formed the bass of the right to keep and bear arms.
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			<p>b. Good quotation: “[J]urists are bound by the dictates and guidelines of the Supreme Court and our nation’s historical tradition of firearm regulation and are prohibited from imposing personal policy preferences under the guise of constitutional interpretation. To do so would violate their oath of office.”</p>
<p><i>Vandermyde v. Cook County</i> 2024 IL App (1st) 230413-U (02/20/24)</p> <p>PLA DENIED: No. 130536 (09/25/24)</p>	<p>Cook County Firearm/Ammo Purchase Taxes</p>	<p>As Applied</p>	<p>Plaintiffs appealed the grant of a motion to dismiss their complaint challenging various firearm and ammunition taxes imposed by Cook County.</p> <ol style="list-style-type: none"> 1. The court resolved several issues, largely unrelated to the second amendment. 2. The closest the court got to a second amendment analysis was acknowledging that the ILSC had reversed the judgment of a prior decision upholding the taxes on a different ground—so, according to the court in this case, the trial court remained free to conduct its own Second Amendment analysis and should do so.
<p><i>Wilson v. Kelly</i> 2024 IL App (5th) 230382-U (07/22/24)</p>	<p>Unlawful Sale of Firearms of a</p>	<p>As Applied⁴</p>	<p>The gist of the plaintiff’s complaint was that she can only afford firearms at a certain price point, all of which “are generally made of zinc alloy.” She alleged that the firearms forbidden under Section 24-3(A)(h) are safe to use, legal</p>

⁴ The plaintiff didn’t expressly make an as-applied challenge, but based on the fact-specific grounds for relief requested in the complaint, the court addressed the constitutionality of the statute as applied.

	Certain Composition ³		<p>under federal law, are sold in other states, and would be sold in Illinois but for this statute. The court initially found the plaintiff's as-applied challenge forfeited for lack of factual development.</p> <p>Proceeding to the merits anyway, the court noted that plaintiff's summary judgment evidence did not show the price difference between alloy and steel guns and that State had presented an expert who averred that the plaintiff could get a steel gun at only a \$20 greater cost than her preferred alloy gun. The court rejected the idea of any second amendment right to the "gun of your choice." Assuming a facial challenge, the court rejected it at <i>Bruen</i>'s first step because the statute was not a total ban on a "true class or type of gun." The court also applied <i>Bruen</i>'s second step and concluded that bans on guns of certain materials had a "robust" historical tradition.</p>
<p><i>Dorman v. Haine</i> 2024 IL App (5th) 230969-U (08/13/24)</p> <p>PLA Due: 09/17/24 (unclear if one was filed)</p>	UUW/Barrel Length	Facial	<p>Court rejected the challenge, first pointing to Supreme Court case law suggesting that short-barreled rifles are not typically carried for lawful purposes.</p> <p>Court then pointed to "uniform" post-<i>Bruen</i> case law rejecting constitutional challenges to similar laws banning the possession of short-barreled rifles.</p>

³ 720 ILCS 5/24-3(A)(h) (it is unlawful for any licensed gun seller to sell any handgun with certain parts made of "zinc alloy or any other nonhomogeneous metal" that melts or deforms at a temperature below 800 degrees Fahrenheit.).