

Relevant Court Cases

Rahimi vs United States (Transcript of oral arguments):

JUSTICE THOMAS: General, would you just briefly define what you mean by "law-abiding and responsible"?

GENERAL PRELOGAR: Of course, Justice Thomas. So, I would break that into its two constituent components. With respect to those who are not law-abiding, history and tradition shows that that's defined by those who have committed serious crimes defined by the felony-level punishment that can attach to those crimes.

CHIEF JUSTICE ROBERTS: Is it --are you making a misdemeanor/felony distinction?

GENERAL PRELOGAR: That's the line that history and tradition reflect, and so, yes, I think that that is the relevant category with respect to law-abiding citizens. But, again, I would just emphasize here we're not directly invoking the law-abiding aspect of the principle because Mr. Rahimi didn't have the kind of --of criminal record that would justify disarmament on that basis. Instead, our arguments here are directed at the aspect of the standard focused on those who are not responsible.

ISRA Note: While we believe Rahimi will lose his case before SCOTUS. Based on the oral arguments before the court, there could be a consequential ruling and guidance to States as it relates to losing second amendment rights for a misdemeanor. Indeed, the Solicitor General indicated under questioning that the charge should be felony level.

ISRA Note: We believe it would be premature to pass legislation before the Rahimi case is resolved. Potentially the State may have to re-write FOID statutes to remove prohibition of second amendment rights for misdemeanors.

Davis vs Yenchko (Before the IL Supreme Court):

Case: Aaron & Charles Davis sued Jeffery Yenchko, in his official capacity as the Chief of the Firearm Services Bureau. The Davis's had their FOID cards revoked because of a felony charge, but no conviction. They eventually had their FOID cards restored but sued in the 3rd Judicial Circuit Court asking the court to rule a person may not lose their second amendment rights based on a charge and not a conviction. They won their case.

ISRA Note: Oral arguments were heard **May 21, 2024**, before the Illinois Supreme Court. The attorney for the Illinois Attorney General's office asked the court to wait to make a ruling until the conclusion of the Rahimi vs United States case.

ISRA Note: With today's arguments by the IL AG's office asking the IL Supreme Court wait until the conclusion of the Rahimi case in Davis vs Yenchko, how does the General Assembly move forward with any potential legislation that would affect a person's second amendment rights? We would ask for the same delay.

ISRA Note: AG's Office oral argument before IL Supreme Court

"...If the court were to look past both of those issues and reach the merits, respectfully we would suggest the court could wait for the Supreme Court's decision in Rahimi on the Second Amendment issue that case we expect a decision this term so in the next month or so and that presents a similar question about whether a Federal statute that prohibits firearms possession by those that are under domestic violence restraining orders violates the second amendment so we expect guidance on the application Bruen standard to a sort of a legislative categorical similar to the one we have here."