



Second Amendment Foundation Appeals Illinois Ban on Semi-auto Firearms

The Second Amendment Foundation (SAF) [appealed a lower court's decision](#) upholding a Cook County, Illinois ban on the private ownership and possession of semi-automatic firearms. The list of the weapons banned takes two pages and includes AR-15s, AK-47s, all Thompson rifles, the Sturm-Ruger Mini-14, along with semi-automatic pistols such as the popular Smith and Wesson M&P15.

The law was predicated on the premise that guns cause crime, and so their removal would reduce, if not eliminate, all gun-related crimes.

The SAF joined with the Firearms Policy Coalition (FPC) in August 2021 in filing a complaint against Cook County's ban, calling it "a flat prohibition on the gift, transfer, acquisition, carry, or possession, of many common semiautomatic rifles — tendentiously labeled 'assault weapons' — by ordinary citizens, making it criminal for law-abiding citizens to exercise their fundamental right to keep and bear such arms."

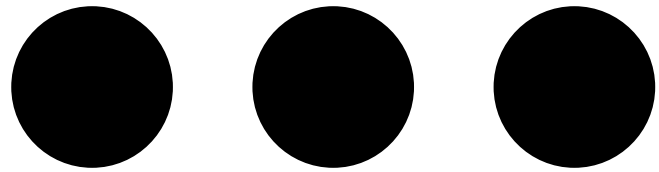
Since the complaint was filed before the *Bruen* (*New York State Rifle & Pistol Association, Inc. v. Bruen*) decision handed down a year later, it relied on the Supreme Court's ruling in *Heller* (*District of Columbia v. Heller*) in 2008 to make its case. *Heller* ruled that the Second Amendment protects an individual's right to keep and bear arms for lawful purposes.

The original complaint summed up their position:

The right to keep and bear common rifles guaranteed under the Bill of Rights cannot be subjected to laws and regulations that prohibit ordinary, law-abiding citizens from keeping and bearing common firearms — particularly when such schemes place these citizens under constant threat of criminal sanction for violating them.

Plaintiffs sought a permanent injunction prohibiting defendants (Cook County officials) from enforcing the ban.

The court ruled against the plaintiffs.



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Written by [Bob Adelman](#) on June 27, 2024

The state of Illinois, in a pique of disgust and rebellion against the *Bruen* ruling, made the entire state subject to a ban on semi-automatic firearms in December 2023. A complaint was filed, and the ban was upheld. Monday's filing by the SAF and the FPC revived the issue:

The question presented by this case is whether the Second Amendment permits the government to ban the best-selling rifle in America and similar semiautomatic firearms.

The answer is no.

The reason is simple: the ruling in *Bruen* now demands that Illinois provide historical reference to similar bans: "The Supreme Court clarified two years ago in *New York State Rifle & Pistol Association v. Bruen* ... governs all Second Amendment challenges."

The complaint is complicated by a lower court's ruling. In *Bevis v. City of Naperville*, the Seventh Circuit of Appeals discovered a new definition of "arms" in the Second Amendment — those applying to citizens, and those applying to the military:

In short, there is a long tradition, unchanged from the time when the Second Amendment was added to the Constitution, supporting a distinction between weapons and accessories designed for military or law-enforcement use, and weapons designed for personal use. The legislation now before us respects and relies on that distinction.

The present appeal by the SAF and the FPC argued simply that "This Court could, can, and should resolve this case by applying *Bruen* and *Heller* directly. A straightforward application of those cases requires reversing the [*Bevis*] decision below."

The appeal concluded:

The banned firearms are useful for self-defense, are not exclusively military weapons, and are not commonly used for unlawful purposes, so under *Bevis* that means that the Second Amendment's protections are presumptively triggered, and the Cook County ban is unconstitutional unless the County can justify it historically....

For the foregoing reasons, the Court should reverse the judgment of the district court and remand with instructions to enter judgment in Plaintiff's favor.

For Alan Gottlieb, the founder of SAF, the issue is clear. "The question presented in this case is straightforward: whether the Second Amendment permits the government to ban the best-selling rifles in America and similar semiautomatic firearms erroneously labeled as 'assault weapons.' We maintain the answer to that clearly is no."



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