

Sheriffs say they want no role in enforcing state’s assault weapon registry

Approximately 80 top law enforcement officials issue warning

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SPRINGFIELD – Dozens of county sheriffs in Illinois — approximately “80-ish,” per Illinois Sheriffs’ Association head Jim Kaitschuck — say they’ll refuse to enforce a provision of a new assault weapons ban that would require owners of such guns to register them with the state. Douglas County Sheriff Nate Chaplin was among them.

In the wake of Gov. JB Pritzker’s signature Tuesday on the law banning the sale and manufacture of assault weapons in Illinois, many sheriffs have written nearly identical letters expressing their unwillingness to enforce the law’s requirement for registering assault-style weapons with the state.

Beginning next year, a gun owner’s failure to provide the

state police with the serial numbers for assault-style rifles they own prior to Jan. 1, 2024, will be a Class A misdemeanor, punishable by up to 364 days in prison. The degree of charges could increase based on the number of unregistered guns.

But Kaitschuck contended it would be impossible for local sheriffs to know who in their county owns assault weapons if those gun owners don’t voluntarily comply with the law, suggesting it would be ridiculous to go door-to-door to find out.

“We have no inventory of guns bought and sold that are available to local sheriffs,” Kaitschuck said of information partially available to the Illinois State Police. “We don’t have access to it — and I’m not asking for it either, by the way.”

Several gun rights organizations say they are planning

to challenge the law in federal court, buoyed by a 2022 U.S. Supreme Court decision which Second Amendment proponents believe could mean friendlier opinions on firearms-related claims moving forward.

Democrats and advocates who pushed for Illinois to pass the nation’s ninth statewide ban on assault weapons had expected litigation, but on Thursday maintained that unless the law gets struck down, sheriffs’ refusal to enforce any part of it is a dereliction of duty.

“They took an oath of office to uphold the law,” Pritzker said at an unrelated news conference. “As law enforcement, that’s their job. And I expect them to do that job. You can have all the resolutions and declarations that you want (but) the reality is that the laws that are on the books, you

don’t get to choose which ones people are going to follow.”

But Kaitschuck countered with the common example of police declining to write a ticket to a driver pulled over for driving 10 miles over the speed limit.

“If I pull somebody over for speeding going 65 in a 55, and I don’t write them a ticket, does that mean I’m not enforcing (the law)?” he asked. “And I know we’re talking apples to oranges here, but...my point on this is that officers have discretion. We don’t arrest everybody we could or else our jails would be totally overrun.”

The sheriffs’ letters this week primarily dealt with enforcing the registry portion of the assault weapons law, and Kaitschuck said he wasn’t aware of any sheriffs in his organization who don’t plan on complying with the law’s other provisions, like the ban

of sales of assault weapons at Illinois gun shops.

However, Chicago-Kent College of Law professor Harold Krent argued the sheriffs’ letters go beyond what was explicitly stated and said the symbolism of law enforcement officers refusing to comply with state law is a slippery slope.

Krent contrasted the sheriffs’ move with state’s attorneys’ actions surrounding the cashless bail provision of Illinois’ SAFE-T Act, which was supposed to do away with cash bond in Illinois on Jan. 1. Despite grumbling from dozens of state’s attorneys in Illinois, even the staunchest opponents to the law were at least somewhat prepared to comply with it in the new year, at least until the Illinois Supreme Court stayed the law on Dec. 31, pending a full appeal.

“There, (the state’s attor-

neys) went to court and said, ‘We’re not going to block the process but we want a judicial resolution.’ That’s a norm in our country,” Krent said. “...The General Assembly has decided (the assault weapons ban is) constitutional. The attorney general has decided it’s constitutional. I think it’s an incredible risk for sheriffs to say, ‘We’re not going to enforce a law’ ...because that’s encouraging a lack of respect for the law.”

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Pritzker signs assault weapon sales, manufacturing ban

Illinois becomes 9th state to ban military-style guns

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SPRINGFIELD – On the first full day of his second term, Gov. JB Pritzker on Tuesday signed a bill banning the sale, distribution and manufacture of high-power assault weapons, .50 caliber rifles and ammunition, and large-capacity magazines while still allowing people who already own such weapons to keep them.

Pritzker signed the bill during a ceremony in the Statehouse just hours after the final version of it cleared the House, making Illinois the ninth state in the nation to impose such a ban.

“I’m signing this legislation tonight so that it can take immediate effect and we can end the sale of these weapons of war as soon as possible,” Pritzker said.

The House had passed a similar bill early Friday morning and sent it to the Senate, where it appeared over the weekend to run into roadblocks. But negotiations continued behind the scenes throughout the weekend and into Monday when a final deal came together just as Gov. JB Pritzker, who campaigned on a pledge to pursue an assault weapons ban, was being inaugurated into his second term in office.

As recently as Sunday, the House and Senate seemed to be far apart, both on the weapons ban and a bill expanding access to reproductive health services, two of the biggest items being considered in a lame duck session that will conclude Tuesday.

“I will fight for the needs of Illinoisans and I will not accept a watered-down version of legislation that falls unacceptably short of the comprehensive solutions that the people of this state deserve,” House Speaker Emanuel “Chris” Welch, D-Hillside, said in a statement released Sunday afternoon.

But by Monday night, he, Pritzker and Senate President Don Harmon, D-Oak Park, announced that they were all in agreement on a final proposal.

One of the key sticking points concerned a requirement that people who currently own such weapons register them with the Illinois State Police. Those individuals would be required to disclose the make, model and serial number of the specified weapons to obtain a special endorsement on their Firearm Owners Identification, or FOID card. The House had included that



in the bill it passed shortly after midnight Friday morning, but an early draft of a Senate plan reportedly proposed dropping it.

The final version of the bill, contained in a package of amendments to House Bill 5471, includes the requirement but extends the deadline for compliance to Jan. 1, 2024, instead of 180 days after the governor signs the bill into law, as the House had proposed.

The Senate language was unveiled during a committee hearing Monday morning, only a few hours before inauguration ceremonies for the governor and other constitutional officers were about to begin blocks away in a downtown Springfield convention center.

Other changes included a more up-to-date list of weapons that would fall within the banned category along with authority for the Illinois State Police to modify the list through administrative rules to capture new and copycat models as they come onto the market.

The Senate bill also clarifies that any device that makes a semi-automatic weapon fire

more rapidly – whether it converts the weapon into a fully automatic one or merely increases the rate of fire – will be illegal. And it defines large-capacity magazines as those capable of holding more than 10 rounds for a long gun or 15 rounds for a handgun.

The Senate version also does not change the age limit to obtain a FOID card, meaning people between the ages of 18 and 21 will still be able to obtain one with the consent of a parent or guardian. The House had proposed eliminating that exception.

“It really is the House structure,” Harmon said of the bill after a Monday committee hearing. “We have been careful to be precise, that we are articulating the list of guns where an endorsement would require the make, model and serial number so that owners know exactly what they need to do.”

In an effort to ease concerns from hunters and sportsmen, the bill also contains a provision authorizing the Department of Natural Resources to adopt administrative rules exempting weapons used only for hunting that are expressly

permitted under the Illinois Wildlife Code.

That, however, was not enough to quell the opposition of gun rights advocates who argued that the weapons to be banned are “commonly used” weapons in American society and thus, under standards of recent U.S. Supreme Court rulings, will likely be deemed unconstitutional.

“I think folks at home need to know, and folks here in the chamber, that many of the commonly used semi-automatic shotguns will still have to be registered as assault weapons,” Sen. Terri Bryant, R-Murphysboro, said during debate on the floor of the Senate. “So even though some may come off, we’re still going to have many commonly used shotguns that will be listed as assault weapons.”

Democrats pushed the bill through the Senate 34-20, sending it to the House, where it passed 68-41 on Tuesday afternoon with two Republican votes: outgoing House Minority Leader Jim Durkin, R-Western Springs, and Rep. Bradley Stephens, R-Rosemont.

Otherwise, GOP members echoed Bryant’s sentiments.

“I can tell you that we will not comply, and you’re not going to do a darn thing about it,” Rep. Blaine Wilhour, R-Beecher City, said during House floor debate. “Because the law, the constitution and the founding principles are on our side.”

During the debate, Welch, with his mother seated next to him, spoke of how his aunt was shot and killed in her car while leaving church in the mid-1980s, and how his mother ended up adopting her sister’s three daughters.

“Let’s end families having

to change overnight,” Welch said. “Let’s not lose any more brothers, sisters, aunts, uncles, children to gun violence.”

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