

# State Supreme Court weighs assault weapons ban

## Case centers on narrow questions of Illinois state constitution

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 Capitol News Illinois  
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 SPRINGFIELD – The Illinois Supreme Court is now deciding whether the state’s recently enacted assault weapons ban violates certain provisions of the Illinois Constitution.

In March, a circuit court judge in Macon County sided with a group of plaintiffs led by state Rep. Dan Calkins, R-Decatur, and declared the law unconstitutional. The state appealed directly to the Supreme Court, which put a hold on the Macon County decision and put the case on an expedited schedule.

The court heard oral arguments Tuesday in the case. The plaintiffs argued that the law is unfair because it allows certain people, but not others, to continue buying and selling a category of firearms defined as “assault weapons.”

Plaintiffs’ attorney Jerry Stocks argued that because the law allows some people to continue owning the banned weapons – law enforcement officers, certain security guards, active-duty military personnel, and people who already owned those weapons before the law took effect, among others – it violates the

state constitution’s equal protection clause. He also argued it violates a ban on “special legislation,” or legislation written for the benefit of one person or group of people.

“These are criminal statutes,” Stocks told the court. “And we’re immunizing folks that have absolutely no difference in the enjoyment of the Second Amendment or the enjoyment of Article 1, Section 22 (of the Illinois Constitution) ... than anyone else.”

The Second Amendment to the U.S. Constitution and Article 1, Section 22 of the Illinois Constitution both deal with the right to bear arms. But the state constitution’s language is different because it says the right is subject to the police power of the state, meaning it can be regulated to protect public health and safety or law and order.

That distinction is important because in federal law, the right to bear arms is considered a “fundamental right,” and any limitations on it are subject to “strict scrutiny.” That means the government has to show there is a compelling state interest that makes limiting the right necessary and that the law is narrowly tailored to achieve that inter-

est.

In Illinois state constitutional law, however, the right to bear arms is not a fundamental right, and the government is authorized under the state constitution to put limits on it. That means the government only needs to show the limitations have a “rational basis” behind them.

“The purpose of this legislation is to freeze the supply of assault weapons, reduce their further proliferation throughout the state to increase public safety,” Assistant Attorney General Leigh Jahnig said, arguing for a rational basis review.

But Stocks argued that in more recent case dealing with the Second Amendment, the U.S. Supreme Court has moved beyond the rational basis vs. strict scrutiny question. In a decision last summer, the U.S. Supreme Court began using a new standard that requires the state to show that a regulation is consistent with the nation’s “historical tradition of firearm regulation.”

The state, however, argued that the federal standard for judging Second Amendment issues should not apply in the Illinois case because the plaintiffs did not make a Sec-

ond Amendment claim in their initial suit. And Chief Justice Mary Jane Theis appeared to agree.

“That’s not what you brought,” she told Stocks about his Second Amendment claims. “You frame this in a totally different way. You could have joined the three federal cases. You chose to shape it in a different way around special legislation and an equal protection. It’s a much different analysis.”

### Lawsuits move in federal court

On April 28, a federal judge in East St. Louis issued a temporary order blocking enforcement of the weapons ban while three cases consolidated in the Southern District of Illinois was being heard. But federal judges in the Northern District that were hearing similar challenges have declined to issue injunctions.

A week after the Southern District judge’s order, the Seventh Circuit Court of Appeals put a hold on it. The appellate court has since said it will hear a consolidated appeal in five cases dealing with the Illinois law, and it will do so on an expedited schedule.

Oral arguments before the Seventh Circuit are scheduled for June 29.

In the meantime, plaintiffs in the Southern District cases have filed an application with U.S. Supreme Court Justice Amy Coney Barrett for an emergency injunction to block enforcement of the law while the appeals are being heard. Barrett has not yet ruled on that application.

### All-gender bathroom update

The Illinois General Assembly has passed a bill that would allow businesses and public institutions to provide multi-occupant all-gender bathrooms if they choose to do so.

House Bill 1286 would change current state law, under which single-occupancy bathrooms are automatically designated for all genders, but multi-occupancy bathrooms must be designated as male or female. It needs only a signature from Gov. JB Pritzker to become law.

Justin Sia, a Chicago attorney, testified in committee this week that he came up with the idea for the bill while in law school at Loyola University. He

described it as “a pro-family, pro-business and pro-safety bill that permits, not mandates, public and private entities to install gender inclusive, multi-stall restrooms.”

Sia said he’d heard from transgender and gender non-binary individuals who were “insulted and even attacked in male or female restrooms simply for who they are or for how they look.” But he said he also heard from caregivers for adults of a different gender and others who would benefit from gender-inclusive restrooms.

“We also learned about parents and guardians with young children of a different gender who must decide whether to leave their children unattended in public restrooms, or to enter a restroom that doesn’t match their gender,” he said.

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# Douglas County Court

### Traffic Citations

Frederick C. Baietto, 60, Forsyth, speeding 21-25 MPH above the limit.

Kenneth R. Landsen, 44, Oakland, speeding 15-20 MPH above the limit.

Wilmer Otto, 76, Arcola, following too closely.

Chloe E. Kerns, 30, Campaign, expired registration.

Cheyenne L. Gregurich, 21, Lovington, operated an uninsured vehicle.

Nancy J. Coon, 71, Arcola, failed to reduce speed.

Spencer Michael Hoffman, 21, Arthur, speeding 11-14 MPH above the limit.

Rene Juarez-Cuevas, 20, Arthur, speeding 15-20 MPH above the limit.

### Criminal Charges

Deshawn D. Hart, 28, Heroin, was charged with a Class X felony for allegedly possessing over 900 grams of cocaine and intending to distribute.

David L. Winters, 30, Harvey, was charged with a Class X felony for allegedly possessing over 900 grams of cocaine and intending to distribute.

Rusty W. Peeler, 41, Bement, was charged with a Class 2 felony for allegedly violating the sex offender registration

### Criminal Judgment

Brandon L. Pleake, 30, Brazil, Ind., was sentenced to 12 months probation and 100 hours of community service for driving under the influence.

Kenneth I. McClain, 30, Decatur, was sentenced to 60 days in the Douglas County Jail, 24 months of probation and fined \$500 for aggravated driving under the influence.

Dustin L. Harden, 39, Tolo, was sentenced to 20 days in the Douglas County Jail and fined \$500 for attempting to flee a police officer.

Tony A. Hawk, 45, Tuscola, was sentenced to 30 days in the Douglas County Jail for driving with a revoked license.

Lacresha L. Sullens, 53, Kinmundy, was sentenced to 12 months of non-reporting conditional discharge for possessing under five grams of methamphetamine.

### Marriage Licenses

Amber Nikkole Gustafson,

Villa Grove, and Kevin Lee Early Jr., Villa Grove.

### Real Estate

Marine Bank granted Margarette F. Waldrop and Ralph J. Waldrop a release at 505 Pheasant Run Rd., Tuscola. Parcel 09-02-27-201-007.

Credit Union 1 granted Gary W. Lytle and Kimberly A. Lytle a mortgage satisfaction at 1377 E. U.S. Highway 36, Tuscola. Parcel 04-03-32-300-004.

First State Bank granted Sandra J. and Steve L. Bates a mortgage release at parcel 09-02-27-401-014,

Jose C. Gauna granted First Neighbor Bank National Association a mortgage modification at 325 S. 3rd South St., Arcola. Parcel 01-14-09-217-004,

Christine Heasley granted the Illinois Department of Healthcare and Family Services a state tax lien at 418 South John, Camargo. Parcel number 04-03-35-303-005.

Roger Benner granted the Illinois Department of Healthcare and Family Services a state tax lien at 312 South Main, Atwood. Parcel 05-01-31-305-003.

Sophie and Wyatt Sudding granted Villa Grove State Bank a mortgage at 1485 Timber Lane, Camargo. Parcel 04-03-33-401-041.

Kelly Keller granted Todd Keller a quit claim deed at 915 E Barker Street, Tuscola. Parcel 09-02-34-210-040.

Todd J. Keller granted Busey Bank a mortgage at 915 E Barker Street, Tuscola. Parcel 09-02-34-210-040.

Kathryn S. Tuttle granted Judith A. and Max R. Weaver a warranty deed at 319 S Pine Street, Arcola. Parcel 01-14-09-204-002.

Judith A. and Max R. Weaver granted Prairie State Bank and Trust a mortgage at 319 S Pine Street, Arcola. Parcel 01-14-09-204-002.

Gregory T. Evans granted Gretchen Ellen Greiger a warranty deed at 306 E. Houghton Street, Tuscola. Parcel 09-02-34-316-009.

Heather and John Weinke granted First State Bank and Trust a mortgage at 851 N CR 1000 E, Tuscola. Parcel 09-08-02-300-002.

Jeanette E. Holmes grant-

ed First State Bank and Trust a mortgage at 50 Poplar Dr., Tuscola. Parcel 09-08-02-109-024.

First State Bank granted Abigail A. Dowling a mortgage release at 50 Poplar Dr., Tuscola. Parcel 09-08-02-109-024.

Deborah J. and James H. Foster granted First State Bank and Trust a mortgage at 1080 N County Road 350 E, Tuscola. Parcel 05-01-26-400-002.

First State Bank and First State Bank and Trust granted Deboar J. and James H. Foster a mortgage release at 1080 N County Road 350 E, Tuscola. Parcel 05-01-26-400-002.

Longview Bank granted Kevin W. Mantels a mortgage release at 608 W. Green St., Newman. Parcel 07-06-31-315-001.

Longview Bank granted Kevin W. and Sonda Mantels a mortgage release at 709 W. Green St., Newman and 505 N. Broadway, Newman. Parcels 07-06-31-307-017, 07-06-31-307-016, 07-06-31-207-005.

Lyndsay D. Williams and Matthew T. Williams granted Arcola First Bank a mortgage at 825 Prairie Meadow Drive, Arcola. Parcel 01-14-10-101-069.

First National Bank Arcola granted Michael A. and Tracy M. Lindenmeyer a mortgage satisfaction at 9 Country Club Lane, Arcola. Parcel 02-13-01-101-004.

Arcola First Bank and First National Bank Arcola granted Michael A. Lindenmeyer and Tracy M. Lindenmeyer a mortgage satisfaction at 9 Country Club Lane, Arcola. Parcel 02-13-01-101-004.

Wesley D. Mefford Senior granted Clara Mefford a memorandum of contract sale at 422 S Locust, Arcola. Parcel 01-14-09-208-007.

Administrator Merideth L. Bennet, Estate Beverley A. Good, and Beverly Hess granted Administrator Tammy Lynn Dewey and Estate Gerald D. Good an executor’s deed at 218 S Sheldon St., Arcola. Parcel 01-14-03-308-012.

Administrator Tammy Lynn Dewey, Beverley A. Good and Estate Gerald D. Good granted Meredith L. Bennett, Tammy Lynn Dewey and Raymond Douglas Dewey an executor’s deed at 218 S. Sheldon St., Arcola. Parcel 01-14-03-308-

012.

Tammy Lynn Dewey and Raymond Douglas Good granted Merideth L. Bennett a quit claim deed at 218 S. Sheldon St., Arcola. Parcel 01-14-03-308-012.

Marrakech Imports Inc. granted Lanman Oil Co. Inc. a UCC original.

Sandra H. Van De Wyn-gaerde granted Allie and Emory Luth a warranty deed at 641 N CR 2025 E, Oakland. Parcel 08-10-16-400-003.

Allie and Emory Luth granted Busey Bank a mortgage at 641 N CR 2025 E, Oakland. Parcel 08-10-16-400-003.

Trustees of Cemeteries of the Town of Tuscola granted James and Lori Slaughter a cemetery deed.

Trustees of Cemeteries of the Town of Tuscola granted Richard and Shelly Cunningham a cemetery deed.

Alvie E. Jess granted Erik Guadiana and Sandra A. Gutierrez a warranty deed at 32 County Club Lane, Arcola. Parcel 02-13-01-102-008.

Erik Guadiana and Sandra A. Gutierrez granted Morton Community Bank a mortgage at 32 County Club Lane, Arcola. Parcel 02-13-01-102-008.

Marilyn M. Beard granted Jason Bracken and Virginia Condill power of attorney.

Marilyn Beard granted trust Marilyn Beard and trustees Jason D. Bracken and Virginia J. Condill a warranty deed.

Paul D. Arnold, Sherman R. Arnold and Peggy D. Hays Granada and Penny D. Swaeringin granted a warranty deed to Clifford and Lisa Redmon at 14 McCoy Ave., Villa Grove. Parcel 04-03-03-400-038.

Clifford and Lisa Redmon granted First State Mortgage Servies Llc. a mortgage at 14 McCoy Ave., Villa Grove. Parcel 04-03-03-400-038.

Nikki Garza and Connie and Dennis Mitsdarfer granted the City of Villa Grove a miscellaneous lien at 111 Magnolia Drive, Villa Grove. Parcel 04-03-11-109-003.

Toral Marco Antonio and Roy Rentals granted the City of Villa Grove a miscellaneous lien at 302 N. Maple St., Villa Grove. Parcel 04-03-02-318-006.

Paul Kramer granted the City of Cilla Grove a miscella-

neous lien at 518 W. Vine St., Villa Grove. Parcel 04-03-03-407-008.

Anthony Grilo granted the City of Villa Grove a miscellaneous lien at 512 S. Sycamore, Villa Grove. Parcel 04-03-10-234-006.

Illinois National Bank and INB National Association granted Kaitlin Washburn a mortgage release at 600 N Center, Tuscola. Parcel 09-02-34-113-011.

Illinois National Bank granted Kaysee R. Matthis a mortgage release at 206 E. Pembroke St., Tuscola. Parcel 09-02-34-130-011.

North Illinois Investments Llc. granted Grow Vertical Tech a quit claim deed at 712 W. Vanderen St., Newman. Parcel 07-06-31-112-021.

Compu-Link Corporation and the Secretary of Housing and Urban Development granted Linda C. Ward a mortgage release at 3 S Henson Rd., Villa Grove. Parcel 04-03-11-204-012.

Heritage Family Farms Investments Llc granted Total Grain Marketing Llc. miscellaneous documents at Parcel 02-07-35-102-022.

Total Grain Marketing Llc. granted Heritage Family Farms Investments Llc. a warranty deed at 305 S. Chestnut St., Arcola. Parcel 02-07-35-102-022.

Clausen and Green Land LLC. And Heritage Family Farms Investments Llc. granted Farm Credit Illinois FLCA a mortgage at Parcel Numbers: 02-07-35-102-022, 02-07-28-100-005, 02-07-28-100-007, 02-07-28-200-002, 03-09-34-200-003, 02-07-21-300-005, 02-07-28-100-001, 02-07-28-100-004, 02-07-17-300-002, 02-07-17-300-004, 03-09-26-300-001, 03-09-26-100-002.

Clausen and Green Land LL, State Bank of Arthur as Trustee, Trust No. 259 granted Farm Credit Illinois PCa a mortgage subordination at Parcel Numbers 02-07-28-100-005, 02-07-28-100-007, 02-07-28-200-002, 03-09-34-200-003, 02-07-21-300-004, 02-07-28-100-001, 02-07-28-100-004, 02-07-17-300-002, 02-07-17-300-004, 03-09-26-300-003, 03-09-26-300-001, 03-09-26-100-002.

Janet Miller granted Glen A. Simpson and Sandra L. Simpson a warranty deed at 410 E. Wilson, Tuscola. Parcel 09-02-34-401-015.

Glen A Simpson and Sandra L Simpson granted Trustbank a mortgage at 410 E. Wilson, Tuscola. Parcel 09-02-34-401-015.

Laura C. Yutzy granted ANDD Rentals Llc. a warranty deed at 716 E. Progress Street, Arthur. Parcels 02-07-30-304-001, and 02-07-30-104-055.

Luke Gard granted Kellie and Luke Gard a quit claim deed at 214 Holiday Dr., Tuscola. Parcel 09-02-27-303-016.

First Neighbor Bank National Association granted Lam Land Company Llc. a mortgage satisfaction at parcel 09-02-26-300-030.

Patricia A. and Thomas R. Sturgis granted Marsha Dawson a warranty deed at 2002 Iron Horse Dr., Tuscola. Parcel 09-02-27-202-020.

Executor Mary V. Steward and Estate Robert D. Stewart granted First Mid Bank & Trust National Association a mortgage at 1724 E County Road 700 N, Tuscola. Parcel 03-09-12-300-022.

Brooke Marie and Dakota Scott Jochums granted Joseph D. Reiter a warranty deed at 217 N. Mill St., Camargo. Parcel 04-03-34-216-004.

Joseph D. Reiter granted Hickory Point Bank and Trust a mortgage and agreement at 217 N. Mill St., Camargo. Parcel 04-03-34-216-004.

Beitz, Pamela K. Fairfield granted Charolie J. Burris and Jason A. Burris a warranty deed at 9 North Oak, Villa Grove. Parcel 04-03-10-214-002.

Char and Jason A. Burris granted Villa Grove State Bank a mortgage and assignment at 9 North Oak, Villa Grove. Parcel 04-03-10-214-002.

JICTB Inc. granted Dennis Management Company and Associates Inc a warranty deed at 206 E. Houghton St., Tuscola. Parcel 09-02-34-315-010.

Broker Solutions Inc, Mortgage Electronic Registration Systems Inc., New American Funding granted Brooke M. and Dakota S. Jochums a mortgage release at 217 N. Mill St., Camargo. Parcel 04-03-34-216-004.