



HR0855

LRB099 15137 MST 39363 r

1

HOUSE RESOLUTION

2 WHEREAS, Gun violence is an ever present problem in the
3 State, as well as nationwide; an example of which is 8 persons
4 dying in Chicago in one week in October due to gun violence;
5 and

6 WHEREAS, In the past few years, court rulings, including
7 the United States Supreme Court in District of Columbia V.
8 Heller, in interpreting the Second Amendment to the United
9 States Constitution have overturned long standing precedent,
10 which had supported state and local authority to deny gun
11 possession when necessary to promote and protect public safety;
12 in order to reach its decision, the 5 member majority of the
13 United States Supreme Court either ignored or misinterpreted
14 much of the clear and plain wording of the Second Amendment;
15 and

16 WHEREAS, As stated by U.S. Supreme Court Justice Stevens in
17 his well-thought out dissent on behalf of 4 Justices in Heller:
18 "The Second Amendment was adopted to protect the right of the
19 people of each of the several States to maintain a
20 well-regulated militia. It was a response to concerns raised
21 during ratification of the Constitution that the power of
22 Congress to disarm the state militias and create a national
23 standing army posed an intolerable threat to the sovereignty of

1 the several States. Neither the text of the Amendment nor the
2 arguments advanced by its proponents evidenced the slightest
3 interest in limiting any legislature's authority to regulate
4 private civilian uses of firearms. Specifically, there is no
5 indication that the Framers of the Amendment intended to
6 enshrine the common-law right of self-defense in the
7 Constitution."; rather the Second Amendment's original purpose
8 was to act as a check on federal gun-making policy, not to
9 prevent individual states from creating gun policy as they saw
10 fit; and

11 WHEREAS, The legal view of the Second Amendment as a
12 collective, militia right, and not an individual right, held
13 for over 200 years until the Heller decision in 2008, which
14 invalidated a law barring individuals from possessing a handgun
15 not registered before the law took effect and annual
16 registrations for the remaining handguns; and

17 WHEREAS, The Heller decision and other pro-firearm
18 industry court rulings have resulted in a proliferation of guns
19 in numerous communities and have diminished the security and
20 freedom of our citizens to enjoy a life free of gun violence;
21 living with the fear of gun violence is contrary to living in a
22 free society; high levels of gun violence are a threat to the
23 security of whole communities; and

1 WHEREAS, The cost of gun violence has been pushed onto
2 everyone except the people and companies that produce and sell
3 firearms; the firearms industry benefits financially when more
4 guns are sold; more firearms in circulation leads to more gun
5 crimes, homicides, and suicides to the extent that gun-related
6 deaths will soon exceed the number of deaths in automotive
7 crashes; but the Heller decision effectively said that most of
8 the Second Amendment should be disregarded in favor of the part
9 that is most profitable to the firearms industry, "the right of
10 the people to keep and bear arms shall not be infringed"; and

11 WHEREAS, Throughout the history of the United States,
12 federal and state laws have regularly placed restrictions on
13 who can legally own, possess, and use firearms; even prior to
14 the ratification of the U.S. Constitution, gun control laws
15 were enacted; therefore laws restricting gun access are not
16 anomalous to American law; and

17 WHEREAS, Before these court decisions, state legislatures
18 had been able to pass laws restricting gun access if it was in
19 the best interests of public safety; therefore, be it

20 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
21 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we
22 urge the courts, especially the United States Supreme Court, to
23 restore interpretation of the Second Amendment as a right

1 afforded to state-sponsored militias that as Justice Stevens
2 stated in his Heller dissent, " ... it does not curtail the
3 Legislature's power to regulate the non-military use and
4 ownership of weapons ... ".