

No. 126840 (consolidated with No. 126849)

IN THE
SUPREME COURT OF ILLINOIS

GUNS SAVE LIFE, INC. and
JOHN WILLIAM WOMBACHER III

Plaintiffs-Appellants,

v.

VILLAGE OF DEERFIELD, ILLINOIS,
and HARRIET ROSENTHAL, in her
official capacity as Mayor of the Village of
Deerfield,

Defendants-Appellees.

DANIEL D. EASTERDAY, ILLINOIS
STATE RIFLE ASSOCIATION, and
SECOND AMENDMENT FOUNDATION,

Plaintiffs-Appellants,

v.

VILLAGE OF DEERFIELD, ILLINOIS,

Defendant-Appellee.

Appeal from the Appellate Court of Illinois, Second District,
No. 2-19-0879

There Heard on Appeal from the Circuit Court of Lake County, Illinois
No. 18 CH 498, consolidated into 18 CH 427,
The Honorable Luis A. Berrones, Judge Presiding.

—————
**BRIEF OF *AMICI CURIAE* COOK COUNTY, ILLINOIS AND THE
CITY OF CHICAGO, ILLINOIS IN SUPPORT OF DEFENDANTS-
APPELLEES VILLAGE OF DEERFIELD, ET AL.**
—————

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INTEREST OF *AMICI CURIAE*

I. *AMICI COOK COUNTY*

Cook County, Illinois (the “County”) is an Illinois governmental entity and home rule unit of local government. The County is home to more than five million residents, or roughly 40 percent of the State’s population, and is the second largest county in the nation by population. A portion of the Village of Deerfield falls within the County’s jurisdiction.

Like Deerfield, the County has enacted and presently enforces a ban on assault weapons. *See* Cook County, Ill. Code §§ 54-210, *et seq.* (the “County Ordinance”). Enacted in 2006, the Ordinance defines “assault weapon” and “large-capacity magazine” and makes it illegal to “manufacture, sell, offer, or display for sale, give, lend, transfer ownership of, acquire, carry or possess” either item in Cook County. *Id.* at §§ 54-211, 54-212(a).

The Cook County Sheriff, through the Sheriff’s police force, enforces the County Ordinance. Relatedly, the Cook County State’s Attorney’s Office (the “SAO”) works closely with county and city law enforcement to address and prosecute gun violence. With more than 700 attorneys and over 1,100 employees, the SAO operates as the second largest state’s attorney’s office in the United States.

Separate and apart from its law enforcement agencies, the County also bears the costs of treating victims of gun violence, including victims of assault weapons specifically. The Cook County Health and Hospitals System (“CCH”)

operates as an agency of and funded by the County. *See* Cook County Ill. Code § 38-71. As one of the largest public hospital systems in the nation, CCH spends approximately \$30-40 million annually to treat gunshot wound patients, 25 percent of whom lack health insurance entirely.¹

II. *AMICI* CITY OF CHICAGO

With a population of approximately 2.7 million, the City of Chicago is the third largest city in the nation and the largest home rule municipality within the State of Illinois. Like the County, it currently enforces a ban on assault weapons. *See* Municipal Code of Chicago, Ill., §§ 8-20, *et. seq.* (the “City Ordinance”). Enacted in response to the General Assembly’s amendment to the Firearm Owners Identification Card Act (the “FOID Card Act”) in July 2013, the City Ordinance defines “assault weapon” and makes it unlawful to “import, sell, manufacture, transfer, or possess an assault weapon” in Chicago. *Id.* at §§ 8-20-010, 8-20-075. The Chicago Police Department (“CPD”) enforces the City Ordinance. Since 2016, CPD has recovered more than 1,100 assault weapons, including 141 within the first six months of 2021. These numbers reflect an upward trend within Chicago; between 2016 and 2020, the number of assault weapons recovered annually more than doubled from 126 to 287.

¹ *Gun Violence: A Public Health Crisis*, Cook County Health & Hospitals System, <https://www.cookcountyil.gov/file/6237/download?token=-ETdUwAn> (last visited June 22, 2021).

III. BOTH *AMICI* MAINTAIN A DIRECT INTEREST IN THIS APPEAL

Both the County and Chicago have a direct stake in the primary issue presented in this appeal: whether home rule units of local government can, consistent with the FOID Card Act, regulate assault weapons within their jurisdictions and amend those regulations when necessary to protect the health and safety of their residents. Like Deerfield, *amici* are home rule entities that have chosen to regulate and ultimately ban assault weapons within their jurisdictions. Indeed, *amici* experience significant rates of firearm-related violence, including violence caused by assault weapons. Since just 2016, for example, CPD has recovered 952 assault weapons in connection with arrests for various crimes. And in 2020—a year during which *amici*'s jurisdictions were under COVID-19-related lockdowns—the Trauma Care Unit within CCH's John H. Stroger, Jr. Hospital still treated close to one thousand victims of gun violence. Declaration of Dr. Faran Bokhari ("Bokhari Dec."), attached hereto as Exhibit 1, at ¶ 19. Plaintiffs, however, seek to impose arbitrary restrictions on the deference afforded to home rule authorities when dealing with such a critical local problem, arguing that the State must have sole authority to regulate assault weapons. *See, e.g.*, *GSL Br.*, p. 1; *Easterday Br.*, p. 30–31.² For this reason, Plaintiffs' preemption

² *Amici* cite to the brief of Plaintiffs-Appellants' Gun Save Life, Inc., *et al.* as "*GSL Br.*, p. ___" and to the brief of Plaintiffs-Appellants' Daniel D. Easterday, *et al.* as "*Easterday Br.*, p. ___."

claim threatens to undermine *amici*'s ability to regulate deadly weapons "for the protection of the public health, safety, morals and welfare." Ill. Const. 1970, art. VII, § 6(a).

Further, municipalities do not exist in a vacuum. Gun violence does not respect county or municipality boundary lines; in fact, a portion of Deerfield sits within the County's jurisdiction. Accordingly, when a home rule entity cannot regulate assault weapons within its borders, those weapons—and the resulting violence—are more likely to spill over into neighboring jurisdictions and strain their already-limited resources. As is detailed below, *amici*'s agencies engage in dangerous law enforcement efforts related to assault weapons, spend considerable time and effort prosecuting assault weapons-related criminal charges, and provide expensive healthcare services to patients injured by assault weapons. *See supra* at pp. 10–17. Accordingly, *amici* have a direct, resource-driven interest in ensuring that Deerfield, as a neighboring home rule municipality, retains the ability to regulate assault weapons.

ISSUES PRESENTED

Amici curiae address the following issues:

1. Whether the appellate court correctly held that the FOID Card Act does not preempt Deerfield's ban on assault weapons.

2. Whether the appellate court correctly held that Deerfield’s 2018 ordinances were proper amendments of its original 2013 ordinance concerning assault weapons.

ARGUMENT

According to Plaintiffs, this case concerns “who decides the policy regarding assault weapons in Illinois.” GSL Br., p. 1. But the General Assembly already has decisively answered this question. As the appellate court correctly acknowledged, the General Assembly created a delicate, “hybrid balance of regulatory power” between the State and home rule entities “whereby certain home rule units would have the authority to concurrently regulate assault weapons and others would not.” *Easterday v. Village of Deerfield*, 2020 IL App (2d) 190879, ¶ 41. Now, more than ever, *amici* are reliant upon this authority to protect their residents from the rapid and seemingly unending escalation in violence caused by assault weapons.

I. PLAINTIFFS’ PREEMPTION ANALYSIS IS INCONSISTENT WITH CONCURRENT HOME RULE AUTHORITY

A. This Case Concerns the Village of Deerfield and *Amici*’s Broad Home Rule Regulatory Authority

As an initial matter, it is well-settled that except as limited by article VII, the Illinois Constitution authorizes home rule entities to “exercise any power and perform any function pertaining to its government and affairs including, but not limited to, the power to regulate for the protection of the public health, safety, morals and welfare; to license; to tax; and to incur

debt.” Ill. Const. 1970, art. VII, § 6(a). This provision “was written with the intention to give home rule units the broadest powers possible” so as to craft local solutions for local issues and problems. *Palm v. 2800 Lake Shore Drive Condominium Ass'n*, 2013 IL 110505, ¶ 30 (citing *Scadron v. City of Des Plaines*, 153 Ill. 2d 164, 174 (1992)); see also *Iwan Ries & Co. v. City of Chicago*, 2019 IL 124469, ¶ 21. And while the General Assembly may impose limits upon this power, it also can choose to share authority concurrently with home rule entities provided it “does not specifically limit the concurrent exercise or specifically declare the State’s exercise to be exclusive.” Ill. Const. 1970, art. VII, § 6(i). Accordingly, if the General Assembly intends to limit or deny home rule powers within a statute, it must do so expressly. *Palm*, 2013 IL 110505, ¶ 31. Conversely, if the General Assembly does not include an express statement, its “silence on the power of home rule units is actually evidence of the home rule unit’s power.” *Accel Entertainment Gaming, LLC v. Village of Elmwood Park*, 2015 IL App (1st) 143822, ¶ 47. Here, the FOID Card Act’s plain language expressly preserves concurrent, home rule authority to regulate assault weapons.

B. Plaintiffs Misinterpret the FOID Card Act’s Plain Language

In support of their preemption claim, Plaintiffs quibble over the meaning of “ownership,” “possession,” and “amendment” under the FOID Card Act. But these arguments serve only as distractions where, as here, the

FOID Card Act's plain language affirms Deerfield's assault weapons ban as a proper exercise of its home rule authority.

i. Plaintiffs' Distinction Between Possession and Ownership Would Create Unnecessary Confusion for Home Rule Units That Regulate Assault Weapons

Section 13.1(c) of the FOID Card Act explains that:

[a]ny ordinance or regulation, or portion of that ordinance or regulation, that purports to regulate the possession or ownership of assault weapons in a manner that is *inconsistent* with this Act, shall be invalid unless the ordinance or regulation is enacted on, or before, or within 10 days after the effective date [July 9, 2013] of this amendatory Act of the 98th General Assembly.

430 ILCS 65/13.1(c) (emphasis added). Consistent with this language, Deerfield enacted ordinance O-13-24 (the "2013 Ordinance"), which regulated assault weapons by specifying certain requirements for their safe storage and transportation. *See* Deerfield Municipal Code §§ 15-87, 15-88 (added July 1, 2013).

According to Plaintiffs, the 2013 Ordinance was nonetheless invalid as a predicate to Deerfield's present-day assault weapons ban because it did not regulate the ownership of assault weapons in a manner "inconsistent" with the FOID Card Act. *See, e.g.,* GSL Br., p. 19. In other words, Plaintiffs argue that the 2013 Ordinance regulated only the *possession* of assault weapons, and thus it did not suffice as a predicate to later ban the *ownership* of assault weapons. *Id.* But this argument unnecessarily splits hairs; ownership and possession are inherently "interrelated concepts" with overlapping definitions. *See Easterday*, 2020 IL App (2d) 190879, ¶ 52 (noting that the

definition of “owner” necessarily includes “possession”). Plaintiffs fail to explain how any individual could *possess* a firearm under applicable State law without also *owning* that same firearm. Indeed, recognizing such a distinction between ownership and possession would sow confusion across home rule entities that do not include both “possess” and “own” within their assault weapons ordinances given the overlapping definitions. *See, e.g.*, Municipal Code of Chicago, Ill., § 8-20-075 (making it unlawful to “import, sell, manufacture, transfer, or *possess* an assault weapon”) (emphasis added).

Here, Section 13.1(c)’s plain language makes clear that the General Assembly declared exclusive authority over both possession and ownership of assault weapons, while explicitly excepting those home rule units that enact ordinances “inconsistent” with that exclusive power within a ten-day window. *See Iwan Ries*, 2019 IL 124469, ¶ 19 (“The most reliable indicator of the legislature’s intent is the plain and ordinary meaning of the statutory language.”). By requiring any assault weapon—whether possessed or owned by an individual—to be secured and locked in a specific manner, the 2013 Ordinance regulated the possession and ownership of assault weapons in a manner “inconsistent” with the FOID Card Act and thus served as a proper predicate to Deerfield’s present-day assault weapons ban.

ii. Plaintiffs' Definition of Amendment Has No Basis in the FOID Card Act and Would Undermine Home Rule Units' Ability to Make Commonsense Regulatory Updates

Nor can Plaintiffs succeed by disputing the definition of an amendment. The FOID Card Act plainly states that “[a]n ordinance enacted on, before, or within 10 days after the effective date of this amendatory Act may be *amended*.” 430 ILCS 65/13.1(c) (emphasis added). Consistent with this authority, and following a series of mass shootings across the country, Deerfield enacted ordinances O-18-06 and O-18-19 (collectively, the “2018 Ordinances”), both of which amended—by striking out language to be removed and underlying language to be added—the sections of the municipal code added in the 2013 Ordinance. Through this amendment, it became unlawful for persons other than military or law enforcement personnel to “possess, bear, manufacture, sell, transfer, transport, store or keep any assault weapon or large capacity magazine in the Village.” Deerfield Municipal Code § 15-87(a) (amended June 18, 2018). Plaintiffs now seek to impose arbitrary limits on home rule units’ authority to amend by arguing, for example, that an amendment becomes a “new ordinance” when “one day the assault weapons . . . were allowed, [and] the next day they were not.” *Easterday Br.*, p. 35. In other words, Plaintiffs maintain that the Village could have amended the 2013 Ordinance to become more stringent up to an unspecified limit, but fail to identify this nonexistent threshold at which an amendment becomes too drastic under the FOID Card Act.

The explanation for this failure is simple: the text of Section 13.1(c) contains no express limits as to how or when home rule entities must or may amend their assault weapons ordinances. *See* 430 ILCS 65/13.1(c). As is discussed below, reading such a limit into the statute’s text would undermine home rule entities’ well-established authority to amend their ordinances when faced with changed circumstances. Further, Deerfield expressly intended for the 2018 ordinances to be amendments: the Village titled the 2018 Ordinances as amendments, described them as amendments, and reflected changes to the substance of the 2013 Ordinance by striking through language and underlining language to be added. *See* Deerfield Municipal Code § 15-87. Accordingly, no additional inquiry is necessary and the 2018 Ordinances must be upheld as a proper exercise of Deerfield’s home rule authority to amend under the FOID Card Act. *See also, e.g., Park Forest v. Wojciechowski*, 29 Ill. 2d 435, 439 (1963) (holding that the plaintiff village had amended its code where “there was no manifestation of an intent to entirely revise and repeal the original ordinance.”); *Nolan v. Granite City*, 162 Ill. App. 3d 187, 190 (1987) (holding that the city had amended its ordinance where it could “find no intention to repeal ordinance No. 2574 in ordinance 2910 or any evidence of inconsistency between the two.”).

II. AMICI RELY UPON CONCURRENT HOME RULE AUTHORITY TO PROTECT THEIR RESIDENTS FROM DEADLY WEAPONS

Through their misinterpretation of the FOID Card Act, Plaintiffs seek to impose artificial restrictions on home rule entities’ ability to regulate

assault weapons. For this reason, accepting Plaintiffs' arguments—and thus allowing them to erode the legislature's carefully constructed, hybrid form of jurisdiction—would threaten all other home rule entities, including *amici*, that regulate assault weapons under the General Assembly's concurrent jurisdiction. Indeed, this home rule authority remains a critical tool in *amici*'s ongoing efforts to address and mitigate the uniquely local problems associated with assault weapons.

A. Amici's Status as Urban, Populous Home Rule Entities Make Them Particularly Susceptible to Mass Shootings by Assault Weapons

As an initial matter, *amici* are large, thriving urban centers. They host tens of millions of visitors each year and are home not only to conventional gathering places such as schools, churches, restaurants, bars, and night clubs, but also large-capacity venues that host hundreds of thousands of guests for a wide range of sporting, political, and entertainment events.³ People also gather in *amici*'s jurisdictions for large outdoor events including festivals, parades, and rallies.⁴ Unfortunately, cities and counties with these same characteristics are often targets for mass shootings carried out with assault weapons. Several of the many notable examples include mass

³ See, e.g., Facts and Statistics, *City of Chicago*, <https://www.chicago.gov/city/en/about/facts.html> (last visited June 21, 2021) (listing Chicago's six professional sporting venues and 8 professional teams).

⁴ See *id.* (reporting that Chicago is home to 36 annual parades, 4 annual film festivals, 74 music festivals, 250 live music venues, and more than 200 theater venues).

shootings that took place at the Pulse Nightclub in Orlando, Florida in June, 2016 (50 killed, 53 injured); at a concert in Las Vegas, Nevada in October, 2017 (59 killed, 489 injured); and more recently at a concert in Miami-Dade County, Florida in May, 2021 (3 killed, 20 injured).⁵ As recently as June 12, 2021, a mass shooting along the 75th Street business corridor on Chicago’s South Side killed one individual and injured 9.⁶ In light of these statistics, allowing populous, urban centers such as *amici* to regulate assault weapons within their jurisdictions is simply a matter of common sense. *See Friedman v. City of Highland Park*, 784 F.3d 406, 411 (7th Cir. 2015) (explaining that “assault weapons with large-capacity magazines can fire more shots, faster, and thus can be more dangerous in the aggregate” making them “the weapons of choice in mass shootings”).

B. Data from *Amici*’s Jurisdictions Demonstrate that Assault Weapons Bans Work

Disregarding the connection between assault weapons and mass shootings, Plaintiffs argue—without citation to any evidence—that the need for home rule authority to regulate assault weapons is not substantial because “[by] definition, a criminal is not following the law and consequently

⁵ Mass Shootings, All Years, *Gun Violence Archive*, <https://www.gunviolencearchive.org/mass-shooting> (last visited June 21, 2021).

⁶ Manny Ramos & Sophie Sherry, *10 shot, 1 fatally, when pair of shooters open fire along lively business district in Chatham*, CHI. SUN-TIMES, <https://chicago.suntimes.com/2021/6/12/22530678/shooting-75th-street-lens-bbq-chatham-roderick-sawyer> (June 12, 2021) (last visited June 12, 2021).

is highly unlikely to respect a municipal ban on magazine size.” GSL Br., p. 9. The Seventh Circuit already has found otherwise in upholding the assault weapons ban enacted by Highland Park, Illinois. *Friedman*, 784 F.3d at 411 (“That laws similar to Highland Park’s reduce the share of gun crimes involving assault weapons is established by data.”) (collecting data). Moreover, data from *amici*’s own law enforcement agencies demonstrate precisely why assault weapons bans remain a critical “solution to [home rule units’] local needs.” *Iwan Ries*, 2019 IL 124469, ¶ 21.

Since 2016, CPD has recovered more than 1,100 assault weapons—952 of which have been recovered in connection with arrests for various crimes—and 76 individuals have been arrested specifically for violating the City Ordinance. These incidents have risen each year, with the number of assault weapons recovered annually more than doubling between 2016 and 2020. And it is well-established that when more assault weapons are on the street, law enforcement officers—including CPD officers as first responders—are at a greater risk for injury or death in the line of duty.⁷ The SAO’s statistics reflect a similar, daunting narrative as to the prevalence of gun violence within the County and the need for local ordinances to address this phenomenon: between 2011 and June 21, 2021, the SAO has reviewed and

⁷ See Violence Policy Center, *New Data Shows One in Five Law Officers Slain in the Line of Duty from 2016 to 2018 Were Felled by an Assault Weapon*, <https://vpc.org/press/new-data-shows-one-in-five-law-enforcement-officers-slain-in-the-line-of-duty-from-2016-to-2018-were-felled-by-an-assault-weapon/> (last visited June 21, 2021).

made a charging decision for 14,225 cases that involved gun violence. The SAO prosecuted 15,814 of these cases, resulting in 13,298 convictions at an 84 percent conviction rate.

C. Home Rule Units Bear the Costs of Assault Weapons' More Deadly Features

Plaintiffs also seek to differentiate “fully automatic machine guns” from “semi-automatic assault weapons,” arguing that the latter constitutes an “invented category that includes many of the nation’s most popular rifles.” GSL Br., p. 8. But the features that make semiautomatic assault weapons so popular are precisely what makes them more deadly: they are lightweight and designed for a series of fast, aimed shots. *See, e.g., Friedman*, 784 F.3d at 411. For this reason, the County’s health and hospitals system, which treats hundreds of patients suffering from gunshot wounds each year, has a particular interest in minimizing the number of assault weapons within the County.

In 2020 alone—when *amici*’s residents were under strict lockdowns for most of the year—the Trauma Care Unit within the County’s John H. Stroger, Jr. Hospital treated 1,189 patients suffering from a penetrating injury. *See Bokhari Dec.* at ¶ 15. 900, or 76 percent, of these penetrating injuries were firearm-related. *Id.* at ¶ 16. Of these patients with firearm injuries, over eight percent succumbed to their injuries before ever leaving the emergency department and over 45 percent, or 412 patients, required admission to the hospital. *Id.* at ¶ 17. Of these 412 patients requiring

admission, 33 percent required an emergency operation and four percent eventually died due to their injuries. *Id.* at ¶ 18. And these costs add up: in total, CCH spends approximately \$30-40 million annually to treat gunshot wound patients.⁸ As such, the home rule authority to prohibit assault weapons within the County, and thus minimize these troubling gunshot wound statistics, is critical to the health and safety of *amici*'s residents.

D. Home Rule Units Must Amend their Ordinances to Keep Up with Changes in Assault Weapons and Related Violence

Finally, Plaintiffs would not only wrest the ability to regulate assault weapons away from home rule units, but also revoke their ability to amend those regulations in light of changed circumstances. Indeed, both the County and Chicago have amended their firearm ordinances over the years: the Commissioners of Cook County enacted the County Ordinance in 2006 as an amendment to the Cook County Deadly Weapons Dealer Control Ordinance, and in 2018 Chicago amended its ordinance to include “bump stock” in the definition of “assault weapon.” *See Chicago City Council, Journal of Proceedings* at 73486, Nov. 7, 2018. The 2018 Ordinances, like these amendments, are simply a logical reaction to a dramatic increase in firearm-related violence. Between just January 1st and April 26 of this year, there have been 160 shootings across the nation in which four or more people were

⁸ *See supra* note 1.

injured or killed, compared to just over 90 during the same period in 2020.⁹ Moreover, this 2021 statistic is nearly *double* the average of the same time period for every year since 2014.¹⁰ Further, makers of firearms have a long history of modifying assault weapons to circumvent existing assault weapons bans, thus requiring localities to amend their ordinances to close loopholes created by these modifications.¹¹ By imposing an ambiguous limit on home rule entities' amendment authority under the FOID Card Act, Plaintiffs would hinder *amici's* ability to quickly respond to these sobering statistics, while also requiring courts to act as preclearance review panels whenever *amici* choose to amend their assault weapons ordinances in response to external events. Surely, this is not what the General Assembly intended when it chose to grant home rule units concurrent jurisdiction under Section 13.1.

CONCLUSION

Adopting Plaintiffs' mistaken interpretation of the FOID Card Act would directly contradict the General Assembly's construction of hybrid, concurrent home rule authority and thus threaten *amici's* ability to regulate

⁹ Nigel Chiwaya, *Gun Violence is up. It's been up for more than a year*, NBC News, <https://www.nbcnews.com/news/us-news/compare-gun-violence-2021-n1265201> (Apr. 26, 2021) (last visited June 21, 2021).

¹⁰ *See id.*

¹¹ *See, e.g.*, Jeremy White, *When Lawmakers Try to Ban Assault Weapons, Gunmakers Adapt*, NY Times, <https://www.nytimes.com/interactive/2019/07/31/us/assault-weapons-ban.html> (July 31, 2019) (last visited June 21, 2021).

deadly weapons within their jurisdictions. Accordingly, this Court should affirm the appellate court's judgment in finding that: (1) section 13.1 of the FOID Card Act does not preempt all regulation of assault weapons by home rule units; (2) Deerfield's 2013 Ordinance regulated the possession and ownership of assault weapons in a manner inconsistent with the FOID Card Act, preserving its power to regulate assault weapons concurrently with the State; and (3) Deerfield's 2018 Ordinances were proper amendments to the 2013 Ordinance.

Respectfully submitted,

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EXHIBIT 1

DECLARATION OF DR. FARAN BOKHARI, FILED AS AN EXHIBIT TO
BRIEF OF *AMICI CURIAE* COOK COUNTY, ILLINOIS AND THE CITY OF
CHICAGO, ILLINOIS IN SUPPORT OF DEFENDANTS-APPELLEES
VILLAGE OF DEERFIELD, ET AL.

Under penalties as provided by law pursuant to Section 1-109 of the Illinois Code of Civil Procedure, I, Dr. Faran Bokhari, hereby declare and state as follows:

1. I am over 18 years of age. I have personal knowledge of the facts set forth herein, and I am competent to testify thereto.
2. I submit this Declaration in support of *amicus curiae* Cook County, Illinois. I have compiled the information in the statements set forth below either through personal knowledge, through the Cook County Health and Hospitals (“CCH”) personnel who have assisted me in gathering this information, or on the basis of documents kept in the regular course of CCH’s business that I have reviewed.
3. I currently serve as Chairman of the Cook County Trauma & Burn Department at the John H. Stroger, Jr. Hospital of Cook County (“Stroger”) and have over twenty years of experience as a Trauma Surgeon and Surgical Intensivist at Cook County Health.

The Experiences of the Cook County Trauma Unit at John H. Stroger, Jr. Hospital of Cook County Health

4. The Cook County Trauma Unit (the “Trauma Unit”) is a Level 1 Trauma Center located in Chicago, Illinois. It is operated as a function of the Department of Trauma and Burn at Stroger.
5. As a Level 1 Trauma Center designated by the State of Illinois, it is our responsibility to care for patients across the injury spectrum. This includes but is not limited to patients who have injuries from burns, from blunt mechanisms such as falls, assaults, and motor vehicle crashes, as well as from penetrating mechanisms such as stabbing injuries and gunshot injuries.

6. To do this, the Hospital employs seven full-time surgeons, one part-time surgeon, and three voluntary physicians. All surgeons in the Department are residency-trained in general surgery, with further specialty training in trauma, burns, critical care, or a combination of these. I am Board Certified by the American Board of Surgery in both General Surgery and Surgical Critical Care. I am an Advanced Burn Life Support (ABLS) Provider, Advanced Traumatic Life Support Instructor, and a Course Director for advanced Surgical Skills for Exposure in Trauma (ASSET).
7. Level 1 Trauma centers such as our Trauma Unit exist to provide definitive care to injured patients, particularly those most seriously injured. In addition to the core staff of surgeons noted above, the Trauma Unit relies on the expertise of specialty surgeons such as Neurosurgeons, Orthopedic Surgeons, Urologic Surgeons, Vascular and Cardiothoracic Surgeons, Obstetrician/Gynecologists, as well as surgeons specializing in facial trauma (ENT, Oral Maxillofacial, Plastic Surgeons). Our nursing staff also has specialty training and education in trauma care.
8. We also have 24-hour radiology capability, access to operating rooms 24 hours a day, and access to ancillary services such as blood bank, respiratory therapy, etc.
9. The Trauma Unit is a Level 1 center for both Adult and Pediatric patients. It is structured somewhat differently than other trauma centers in that it exists geographically as a semi-autonomous unit in the hospital; rather than having our patients seen initially in the Emergency Department (a separate administrative and

10. geographic entity at Stroger), the majority of our patients are seen in our own Resuscitation Area, which is comparable to a small emergency room.
11. When patients are brought in from the field, transferred from another hospital, are “walk-ins,” or referred from the Emergency Department, they are seen by a dedicated trauma team that includes residents, physicians, nurses, and is supervised by one of the Attending surgeons among our core staff. There is an Attending in-house 24 hours a day who supervises the medical decisions of all patients.
12. The Trauma Unit’s other two areas include the Trauma Intensive Care Unit, which is a dedicated unit involved in the care of the most seriously injured trauma patients, as well as a Trauma Observation Unit, which houses our patients who do not require intensive care but do require some period of admission.

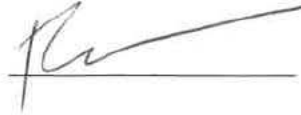
Current Trends at Cook County Trauma

13. The Cook County Trauma Department has been concerned with the effects of violence on the individuals we treat as well as on their families and communities. We have also been concerned with the stressors that violent injuries, particularly gunshot wounds, place on the healthcare system.
14. A recent review of our Hospital’s data presents the following, striking information:
15. Between January 1, 2020 and December 31, 2020, Cook County Trauma cared for 3,813 acutely (within 24 hours) injured trauma patients.

16. 2,613, or 68.5 percent, of those patients suffered a blunt injury; 11, or 2 percent of those patients suffered a drowning or other means of asphyxiation; and 1,189, or 31.2 percent, of those patients suffered a penetrating injury.
17. Of those 1,189 patients who suffered a penetrating injury, 900, or 76 percent, were firearm related. 232 of these injuries were confirmed to be caused by handguns, 4 were confirmed to be caused by “larger firearms” or rifles, and the causes of the remaining firearm injuries could not be identified.
18. Of those 900 patients who were injured by firearms, 76, or 8.4 percent, succumbed to their injuries before ever leaving the Emergency Department. 412, or 45.7 percent, required admission to the hospital.
19. Of those 412 patients that required admission to the hospital, 128, or 31 percent, were directly admitted to the Intensive Care Unit. 137, or 33.2 percent, required an emergency operation. Unfortunately, of these 412 patients, an additional 17, or 4.1 percent, eventually succumbed to their injuries.
20. The above numbers reflect that during a global pandemic, we still saw close to one thousand victims of gun violence.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

Executed on this 22 day of June, 2021, in Chicago, Cook County, Illinois.

A handwritten signature in black ink, appearing to be 'F. Bokhari', written over a horizontal line.

Dr. Faran Bokhari, MD, FACS
Chairman
Cook County Trauma & Burn
Department
John H. Stroger, Jr. Hospital

CERTIFICATE OF COMPLIANCE

I certify that this brief conforms with the requirements of Rules 341(a) and (b). The length of this brief, excluding the words contained in the Rule 341(d) cover, the Rule 341(h)(1) table of contents and statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is 3,873 words.

/s/ Jessica M. Scheller
Jessica M. Scheller, Assistant
State's Attorney

CERTIFICATE OF FILING AND SERVICE

The undersigned certifies under penalty of law as provided in 735 ILCS 5/1-109 that the statements set forth in this instrument are true and correct and that the foregoing brief was electronically filed with the Illinois Supreme Court using the Odyssey eFileIL system and was served by emailing a PDF copy to the persons named below at the email address indicated on June 23, 2021.

/s/ Jessica M. Scheller
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