



VILLAGE OF DEERFIELD

December 8, 2020
For Immediate Release

Illinois Appellate Court Upholds Village's Assault Weapons Ban

The Illinois Appellate Court (2d District) on December 7, 2020, reversed the ruling of the Lake County Circuit Court and found that the Village of Deerfield properly and lawfully adopted an ordinance banning assault weapons in the Village in 2018. The Appellate Court also vacated the permanent injunction against enforcement by Deerfield that was put in place by the Lake County Court.

The Appellate Court opinion, authored by Justice Kathryn Zenoff, accepted all of the arguments advanced by Deerfield's legal team concerning home rule authority and statutory interpretation. The plaintiffs in this case had challenged Deerfield's authority to adopt the ordinance under State municipal law. The plaintiffs did not challenge the validity or constitutionality of the Deerfield ordinance under the Second Amendment to the US Constitution.

"We were troubled with the legal interpretations and legal reasoning set forth in the trial court's opinion, and we are pleased that the Appellate Court corrected the analysis, as a matter of law," said Village Attorney Steve Elrod. "As the Appellate Court correctly determined, Deerfield was well within its authority as a home rule unit to adopt the assault weapon ban."

The Appellate Court made two important legal determinations. First, that the Illinois State Legislature did indeed intend to allow for home rule units to regulate assault weapons, including complete bans, if they followed the correct statutory process for doing so. And second, that Deerfield, by enacting a regulation within the 10-day period following the adoption of the State law, and then later amending the regulation to include a complete ban, acted properly and lawfully and in accordance with the statutory process.

The Village is thankful for the continued pro bono services provided by the Brady Center to Prevent Gun Violence and Mr. Christopher Wilson, partner of the Chicago office of Perkins Coie.

"We are pleased the court validated our right to regulate this important public safety measure. I continue to believe that these weapons have no place in our community," said Mayor Harriet Rosenthal. "I thank all of the residents, especially students, who called for action following the shooting at Marjory Stone Douglas High School."

The Village intends to enforce this ordinance in a manner consistent with other local ordinances. This ordinance will initially be enforced primarily through education and voluntary compliance. A police officer may issue a citation for a violation of this ordinance in the manner provided by law. Any other enforcement of this ordinance, including search or seizure to effect this ordinance, must comply with the requirements of State and Federal law. Members of the Police Department will not go "door to door" to ensure compliance.

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Released by the Village Manager's Office
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