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Second Amendment

COURT OF APPEALS SHOOTS DOWN CHICAGO’S NEW GUN LAW

For nearly three decades, the City of Chicago, Illinois, had ordinances in place that effectively banned handgun possession by private citizens. In 2008, the U.S. Supreme Court struck down a handgun ban in the District of Columbia, holding that the Second Amendment to the U.S. Constitution secures to individuals the right to keep and bear arms for self-defense, including, and most notably, in their homes. District of Columbia v. Heller, 554 U.S. 570. Following that decision, Chicago’s ban on handguns was challenged. In 2010, the Supreme Court held, in McDonald v. City of Chicago, 130 S. Ct. 3020, that the Second Amendment right to possess operable firearms (including handguns) applied to the states and subsidiary local governments.
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Date: 2012


Publisher: Gale, a Cengage Company

Document Type: Case overview; Topic overview; Law overview

Pages: 6

Lexile Measure: 1300L

Full Text:

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Within hours of the decision, Chicago Mayor Richard Daley spoke to the media, stating that the Chicago City Council, upon reviewing the Court decision, would be revamping a new ordinance that would protect not only Second Amendment rights for its citizens but would also protect them. Pursuant to that objective, the City Council convened hearings, took testimony, consulted with the City's legal counsel, and met with gun-control advocates, law-enforcement officers, and academic experts. Just four days after the Supreme Court's ruling, the Council lifted its ban on handgun possession and unanimously adopted its new Responsible Gun Owners Ordinance.

The Responsible Gun Owners Ordinance, effective July 12, 2010, contained several new provisions restricting, but not banning, handguns within the city. For example, in addition to restricting handgun possession to inside the home (residence), it restricted long guns outside the home or the owner's place of business (CHI. MUN. CODE §§ 8-20-030). A person may have no more than one firearm in his home assembled and operable (CHI. MUN. CODE § 8-20-640), and "unsafe handguns" as well as assault weapons and certain firearm accessories and types of ammunition were banned in their entirety (CHI. MUN. CODE §§ 8-20-900). The sale or transfer of firearms was prohibited, excepting through inheritance or between peace officers (CHI. MUN. CODE §§ 8-20-120).

Further, the possession of any or all firearms was prohibited without a Chicago Firearm Permit and registration certificate. Permits were valid for three years. Registration certificates required annual reporting, failure to file for which could result in revocation of permit, registration certificate, or both. The ordinance provided a 90-day "grandfather" clause after its effective date for previously-acquired firearms to be registered.

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