IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
WHITE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS	)	
	)	
Plaintiff,	)	
	)	
	)	
Vs.	)	
	)	
	)	CASE NUMBER: 17-CM-60
	)	
VIVIAN CLAUDINE BROWN	)	
	)	
	)	
Defendants.	)	
	)	

ORDER ON DEFENDANT'S MOTION TO FIND STATUTE UNCONSTITUTIONAL

Now comes the Court, being fully advised in the premises, and enters this Order on Defendant's Motion to Find Statute Unconstitutional.

FACTS[1]

1. On March 18, 2017, the Defendant, a person over the age of 21, resided at a residence located at 1290 County Road 1700 East, White County, Illinois, and occupied such residence as her home.

2. On March 18, 2017, the Defendant did not have a Firearm Owner's Identification Card (hereinafter referred to as a "FOID card") issued pursuant to the provisions of 430 ILCS 65/0.01 *et seq.*, nor had she ever had a FOID card revoked.

3. On March 18, 2017, the Defendant did not have any criminal record and was otherwise eligible to have and possess a firearm and be issued a FOID card pursuant to the provisions of 430 ILCS 65/0.01 *et seq*.

[1] The "facts" are stipulated to by the Defendant and the State. (Transcript of July 7, 2020 Hearing, pgs. 2-3).

4. On March 18, 2017, at approximately 1:47 o'clock p.m., the White County Illinois Sheriff's Department (hereinafter referred to as the "Sheriff's Department") received a call from the Defendant's husband, Scott Brown, in reference to the Defendant shooting a gun inside the residence at 1290 County Road 1700 East, White County, Illinois.

5. When the Sheriff's Department personnel arrived at the Defendant's home, they found a rifle beside the Defendant's bed that the Defendant had for protection but, after conducting an investigation, they did not find any evidence that the rifle (or any gun) had been fired in the residence. Further, the Defendant denied firing a gun and other occupants of the residence denied hearing a gun shot.

6. The Sheriff's Department made a report of the incident and forwarded it to the State's Attorney of White County, Illinois, who filed a criminal Information in the above-entitled cause charging the Defendant with Possession of Firearm without Requisite Firearm Owner's I.D. Card, a class A misdemeanor, in violation of 430 ILCS 65/2(a)(1). The specific charge reads as follows:

> That on March 18th, 2017, in White County, Vivian Claudine Brown, committed the offense of Possession of Firearm without Requisite Firearm Owner's I.D. Card in that said defendant, knowingly possessed a firearm, within the State of Illinois, without having in her possession a Firearm Owner's identification card previously issued in her name by the Department of State Police under the provisions of the Firearm Owners Identification Card Act in violation of 430 ILCS 65/2(a)(1).

7. The criminal Information in the above-entitled cause is now pending and undetermined.

8. 430 ILCS 65/2(a)(1) provides as follows:

> No person may acquire or possess any firearm, stun gun, or taser within this State without having in his or her possession a Firearm Owner's Identification Card previously issued in his or her name by the Department of State Police under the provisions of this Act.

There are certain exceptions to the requirement of possessing a Firearm Owner's Identification card, as set forth in 430 ILCS 65/2(a)(2)(b), none of which are applicable to a person who has a firearm in his or her own home for protection.

9. 430 ILCS 65/5 requires the payment of a $10.00 fee for the issuance of the Firearm Owner's Identification Card.

PREFATORY REMARKS

The Bill of Rights to Constitution of the United States is a limiting instrument. It limits the powers of the government while upholding and protecting the rights of citizenry. It is ground zero for the convergence of order and liberty. Order and liberty are inextricably bound together. For where order ends, liberty becomes a chaotic show of strength where only the strongest can survive and therefore, self-destructs. Conversely, where liberty ends, order becomes tyranny. Like most things valued in this life, order and liberty must co-exist in a tenuous harmony so that one does not overwhelm and overcome the other. Order and liberty are co-dependent for their very existence.

Throughout the history of our young representative republic, the government has enacted certain limitations on the rights of its citizenry in an effort to prevent liberty from becoming a license to be used against fellow citizens. However, there are certain instances where those limitations become overreaching and usurp the power afforded it by the people.

The Second Amendment is an area where the government has enacted numerous restrictions in an attempt to ensure the safety of citizens. There can be no question that firearms can be dangerous when they fall into the wrong hands and are used for malevolent purposes. The question then becomes, "what are the limitations to the restrictions of the right to bear arms?"

The Supreme Court in *District of Columbia* v. *Heller,* found that the right to bear arms and the right to self-defense are both embodied as individual rights within the Second Amendment. 554 U.S. 579 (2008). The Defendant asserts that because she was exercising her

right to self-defense within the confines of her home, there is an inherent right to privacy at issue as well. As set forth in *Griswold v. Connecticut*, 381 U.S. 479, 495 (1965), "the home derives its pre-eminence as the seat of family life." Thus, this case is unique in that it flows from a triumvirate of personal liberties. It arrives at the crossroads of Brown's right to privacy, right of self-defense, and right to bear arms.

Accordingly, if there exists a place in this life where a person should feel safe and protected, it is within the confines of one's home. Self-defense within one's home should be honored and revered as nowhere else on Earth. When a person exercises self-defense in public, said person is voluntarily exposing themselves to would-be assailants. However, at home, one should not be made to feel the same sense of vulnerability. The right of self-defense is paramount when one is tucked away in the privacy, comfort, and protection of one's home. The need to defend oneself, family, and property is most acute within the home. *Heller* at 626. The framers of our Constitution recognized that our homes are sacred escapes from unwanted intrusions. In most circumstances, even the government must obtain a warrant based on probable cause before they can enter the sacred sanctuary of one's home to investigate unlawful activity.

SECOND AMENDMENT ANALYSIS

"Statutes are presumed to be constitutional, and courts must construe legislative enactments so as to affirm their constitutionality if reasonably possible." *People v. Howard*, 2017 IL 120443, ¶24. When a court analyzes a Second Amendment challenge, it must follow a two-step process when reviewing whether a restricted activity is protected by the second amendment.

> First, the court must make a threshold inquiry into whether the restricted activity is protected by the second amendment. Under this threshold analysis, the court conducts a textual and historical analysis to determine whether the challenged state law imposes a burden on conduct understood to be within the scope of the second amendment's protection at the time of ratification. If the challenged law regulates activity falling outside the scope of the second amendment right as it was understood at the relevant historical time, then the regulated activity is categorically unprotected, and is not subject to further second amendment review. *Id.* However, if the historical evidence is inconclusive or suggests that the regulated activity is not categorically unprotected, then the court, applying the appropriate level of scrutiny, conducts an inquiry into the strength of the state's justification for regulating or restricting the activity.
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> *People v. Jordan G. (In re Jordan G.)*, 2015 IL 116834, ¶ 22.

However, the analysis is a little different when the inquiry addresses laws passed by the state and local authorities as opposed to federal laws. In *McDonald v. City of Chicago*, the Supreme Court found that the operative time for textual and historical analysis for state and local laws was the time of the ratification of the 14th Amendment, which was 1868. 561 U.S. 742, 777-778 (2010).

STEP ONE ANALYSIS

While the initial question is whether the restricted activity was protected by the Second Amendment at the time of the 14th Amendment's ratification (1868), the "activity" needs to be framed properly before that question can be analyzed. The inquiry can be complex and confusing at times. Generally, the defined activity has focused upon either groups of people, types of firearms, or both. For instance, in *Heller*, the court analyzed a blanket prohibition on the possession of usable handguns in the home. 554 U.S. 570, 573. A similar ban on handguns in the home for residents of Chicago and its suburbs was declared unconstitutional in *McDonald v. City of Chicago*, 561 U.S. 742, 750. Both cases involved both types of firearms--handguns, and group of people--everyone. Conversely and more commonly, challenges have been made

when groups of people are prevented from possessing firearms. In *Kanter v. Barr*, the challenge was based upon a non-violent felon's right to possess a firearm. 919 F.3d 437 (7th Circuit, 2019). In addition, minors were found to fall outside the scope of the Second Amendment protections because prohibitions on persons under 21 years of age to purchase and 18 years of age to possess handguns were firmly historically rooted. *People v. Mosely*, 2015 IL 115872, ¶'s 35-36.

In this case, the State makes a blanket statement that the "conduct prohibited here – possessing a firearm without a valid FOID card—is not protected by the Second Amendment." (State's Response, p.8.) That is a shortsighted way of framing the issue. The FOID Card Act seeks to prevent groups of people from possessing firearms such as felons, juveniles, mentally ill persons, addicts, etc. 430 ILCS 65/8. However, the Act also prevents all people who have failed to even apply for a FOID card from possessing a firearm. 430 ILCS 65/2 (a)(1). This prohibition encompasses all non-applicants, regardless of whether they are part of the group that the Act is designed to identify and disqualify or not. To this end, this Court frames the group of people being excluded that the Defendant represents as "all non-licensed, law-abiding residents who are in the privacy of their homes."

With the group of people being excluded properly defined, the Court will now conduct the textual and historical analysis. While the Court isn't going to address all of the disqualification criteria as set forth in the Act, it understands that there have been several court decisions finding groups of people excluded from having Second Amendment rights because, historically (at the time of ratification of the 14th Amendment) they were viewed as not having the right to bear arms, such as felons and juveniles. However, in setting up a mechanism to

identify the "unwanteds", the legislature has created an entirely new group of people to be excluded from the Second Amendment—unlicensed, law-abiding citizens within the privacy and confines of their homes. Surely this group cannot be said to be a necessary byproduct of the FOID Card Act protocol since it encompasses such a large group of people. Additionally, this group of people will never have the right to defend themselves within the confines of their home with a firearm. Yes, they may do something that removes them from that group by paying the $10 fee, filling out the prescribed application, and submitting a photo, but unless and until they leave their original assigned group, they will never have the rights guaranteed to them by the Second Amendment.

The State asserts that the "FOID Card Act does not ban possession of a gun in an individual's own home for self-defense. It merely requires that an individual obtain a license before to do so." (State's Response, p.12.) The Court finds this assertion is a distinction without a difference. Without the license, it is unlawful to possess such a firearm inside one's home. Thus, it has the same ultimate effect as an outright ban. It just gets to the same end by different means.

The State claims that the FOID Card Act is longstanding on its own because it is consistent with laws enacted more than a century ago. (State's Response, p. 9). While it may be true[2] that there is history of disarming felons and the mentally ill, the Defendant in the case *sub judice* does not fit into any of the historically proscribed groups. After exhaustive research, this Court cannot find a single instance where unlicensed, law-abiding citizens within the

[2] *Kanter v. Barr*, 919 F.3d 437, 445-447 (7th Circuit, 2019), found the historical evidence inconclusive as to whether all felons were categorically excluded from the scope of the Second Amendment.

privacy of their home were excluded from exercising their Second Amendment rights to armed self-defense.

Instead, this Court finds quite the opposite to be true. Law abiding citizens have a long and rich history of being able to defend themselves within their homes. Long guns have permeated our country since before the revolutionary war. They served not only as a means for this country to gain freedom from the British, but also as a means of self-defense within citizens' homes.

This Court will presume, for argument's sake, that the government has the ability to strip someone of their Second Amendment rights based upon their conduct, such as a felony conviction or mental health disability. *See, Heller* 554 U.S. 570, 626. However, it is the manner of the "stripping" that this Court finds most troubling. The government has a long history of "disarming" its citizenry if they committed an act that it found would make it too dangerous for them to possess firearms. *See, U.S. v. Yancey*, 621 F.3d 681, 684-685 (7th Cir. 2010). The notion of "disarming" implies that person possessed the right to be armed in the first place. Unfortunately, that is not the case in the State of Illinois pursuant to the FOID Card Act. The *Heller* Court found the Second Amendment to be an individual right applicable to all Americans. *Id.* at 581. Moreover, that right is a pre-existing right that was merely codified by the Second Amendment. *Id.* at 657. Unfortunately, the State of Illinois, through the FOID Card Act, doesn't recognize a citizen's Second Amendment right to armed self-defense within the privacy of their home, unless and until they can pay the $10 fee, provide a photograph, and demonstrate that they don't meet any of the litany of disqualifying criteria. In the eyes of this Court, the entire process is inverted. The burden should be on the state to demonstrate that a citizen has

committed an act thereby disqualifying them from being in the group of people that *already* possess a Second Amendment right. Instead, the opposite is true. A citizen in the State of Illinois is not born with a Second Amendment right. Nor does that right inure when a citizen turns 18 or 21 years of age. It is a facade. They only gain that right if they pay a $10 fee, complete the proper application, and submit a photograph. If the right to bear arms and self-defense are truly core rights, there should be no burden on the citizenry to enjoy those rights, *especially* within the confines and privacy of their own homes. Accordingly, if a person does something to disqualify themself from being able to exercise that right, like being convicted of felony or demonstrating mental illness, then and only then may the right be stripped from them.

A citizen's Second Amendment rights should not be treated in the same manner as a driver's license. A person does not possess a Constitutional right to drive a vehicle. Instead, in order to enjoy that privilege, they must pay a fee and pass tests to demonstrate that they are competent to drive. Sadly, the State of Illinois has adopted a "privileges" framework where a citizen's Second Amendment rights do not exist until and unless they comply with the FOID Card Act.

There is no reason, especially in today's society, that the State of Illinois could not rely upon the reporting of felony and domestic battery convictions as well as the required reporting of mental health professionals for the consideration of revocation of a citizen's right to possess a firearm within their home. Such an act would apply to all citizens. In fact, the State of Illinois already requires this information to be reported pursuant to 430 ILCS 65. A framework such as this would actually provide greater protection than the FOID Card Act in that it would apply to

all Illinois residents, not just those who have obtained/applied for a FOID card. That said, this Court fully understands that a statutory framework such as mentioned above is beyond its judicial purview and leaves such matters to the legislature.

The State cites *People v. Mosely*, 2015 IL 115872, and *People v. Taylor*, 2013 IL App (1st) 110166, to support its position that the Defendant falls outside of the protections of the Second Amendment. However, this Court finds the State's reliance misplaced. As set forth above, *Mosely* held that juveniles, as a group, historically fell outside the protections of the Second Amendment and, as such, were not protected. *Mosely* at ¶'s 35-36. It is fully inapplicable to the Defendant in this matter.

The State also uses *People v. Taylor*, 2013 IL App (1st) 110116, to support its position that any challenge to the FOID Cart Act falls outside the scope of the Second Amendment. (State's Response, p. 10). The First District Appellate Court's analysis is abbreviated and unclear to this Court. The *Taylor* Court appears to have combined the traditional strict scrutiny analysis with step one (text, history, and tradition) of the two-step analysis set forth in *People v. Jordan G. (In re Jordan G.)*, 2015 IL 116834, and other courts that have made more recent Second Amendment inquiries. *Taylor*, ¶'s 28-32. The holdings of *Heller, McDonald, Jordan G., Kanter, Mosely, et alii,* demonstrate that the proper Second Amendment analysis is not a choice between, or combination of, the strict scrutiny and "text, history, and tradition" approaches as seems to have been used by the *Taylor* Court but is instead the two-step approach set forth herein. To that end, this Court is unable to give proper deference to *Taylor's* holding.

Moreover, *Mosely* and *Taylor* both differ from the case before this Court in one critical aspect. They were cases where the possession of a firearm occurred in *public*, not within the

privacy of one's home. The distinction between private (within one's home) and public possession of a firearm is critical to this Court's analysis. The FOID Card Act, as admitted by the State, is Illinois' attempt at "keeping guns out of the hands of dangerous people." (State's Response, P.17). Presumably, the logic follows that the ultimate goal of the Act is to protect the larger public. Simply stated, that goal or objective is merely anticipatory when the possessor of a firearm is confined within their home. The goal only becomes realized once the owner steps outside of their residence with the firearm. The *Heller* Court conceded that there were "longstanding prohibitions on the possession of firearms by felons and the mentally ill." *Heller* at 626. Yet, those prohibitions seem to be prefaced on what a felon or mentally ill person may do with a firearm *outside of the home*.

The State also relies upon *Kwong v. Bloomberg*, 723 F.3d 160 (2nd Circuit, 2013) for the proposition that it is illegal in New York to "possess a handgun without a valid license, even if the handgun remains in one's residence." (State's Response, p. 9.) However, just because that is the law in New York, does not necessitate that the law is constitutional as it relates to the facts and Defendant as presented to this Court. *Kwong* did not address the constitutionality of the law with respect to a person's right to possess a firearm within their own home without first obtaining a license. Instead, the *Kwong* Court determined whether the *licensing fee scheme* as set forth in the New York City administrative code and state penal law violated the Constitution. Indeed, the court found that it did not. Yet, the court was not faced the issues that are before this Court, nor did the *Kwong* Court speak to the differences between private possession (inside one's home) and public possession of a firearm. For those reasons, this Court gives little consideration to the analysis of *Kwong*.

In light of the foregoing and based upon the lack of textual and historical evidence that unlicensed, law-abiding citizens within the private confines of their own home represented a group of people that the government sought to disarm at the time of the ratification of the 14th Amendment to the Constitution, the Court finds that Defendant is among those protected by the Second Amendment.

STEP 2, LEVEL OF SCRUTINY ANALYSIS

Since this Court has found that the FOID Card Act regulates protected activity of unlicensed, law-abiding citizens within the private confines of their home, pursuant to the Second Amendment, the second step is to determine the level of scrutiny to apply. *People v. Jordan G. (In re Jordan G.)*, 2015 IL 116834, ¶ 22. Proximity to the core of the right determines the strength of scrutiny to be applied. *Ezell v. City of Chicago*, 651 F3d 684, 708 (7th Cir. 2011). "The rigor of the review is dependent on how close the law comes to the core of the Second Amendment right and the severity of the law's burden on the right." *Id.* at 703. "Severe burdens on this core right require a very strong public-interest justification and a close means-end fit; lessor burdens, and burdens on activity lying closer to the margins of the right, are more easily justified". *Id.* Thus, the proper standard of review is intermediate scrutiny subject to a sliding scale. *People v. Chairez*, 2018 IL 121417, ¶ 46. The greater the burden on the Second Amendment, the greater the burden on the state to demonstrate a strong public interest.

The State contends that the FOID Card Act does not restrict the core individual right afforded by the Second Amendment. Specifically, it argues that the FOID Card Act does not function as a categorical prohibition without providing an exception for law abiding individuals. (State's Response, p. 17). Thus, ordinary scrutiny should apply.

While this Court agrees with the State that it does provide an exception, that exception is not automatic. Instead, the Act makes it illegal for a law-abiding citizen to possess a firearm within their own home. Unless or until a person pays a $10 fee, fills out and submits an application and a photo, they will *always* be engaged in criminal activity. That is a substantial burden indeed and could not have been envisioned by the framers of the Constitution.

Accordingly, this Court adopts the intermediate or "heightened" level of scrutiny with a sliding scale. The Court views the sliding scale as having two ends. To the left, it's more akin to a rational basis standard. Opposingly, toward the right, it approaches the strict scrutiny standard. Due to facts of this case, which include the Defendant being in the privacy of her home, the Court views the sliding scale more towards the strict scrutiny side of the spectrum than the rational basis side.

Generally, a statute is constitutional if the state is able to establish that the act is substantially related to an important government interest. *U.S. v. Skoien*, 614 F3d 638, 641 (7th Cir. 2010). Yet, based on the substantial burden placed on the Defendant's Second Amendment core rights in this case, the Court believes that the State must demonstrate more than what is commonly understood as an "important" interest. Although this Court cannot fully articulate the most appropriate standard based upon the sliding scale or means-end analysis, it should be greater than what is commonly understood when evaluating whether a law is substantially related to an important government interest.

The State has provided the Court with data and studies that, at first blush, seem to demonstrate that it has an important interest in burdening the Defendant's rights. The State quotes Daniel Webster, "licensing laws require prospective gun purchasers to have direct

contact with law enforcement or judicial authorities that scrutinize purchase applications before a proposed gun purchase." (State's Response, p. 19). This Court is perplexed by this quote in that it has no application to the case *sub judice*. The purchase of firearms has no relevance to the issues in this matter. Neither does Illinois require an applicant or FOID card holder to contact a judge or police officer prior to either obtaining a FOID Card or purchasing a firearm. Again, this case is about an unlicensed, law-abiding citizen *possessing* a firearm within the confines of her home.

The State also provides a great deal of data on "permit-to-purchase" laws. (State's Response, pp's 21-23). Once again, that data has no application as this Court is not addressing the dangers inherent in purchasing firearms. It also provided the Court with crime rates and suicide statistics as they relate to Missouri's repeal of its permit-to-purchase statute in 2007 and Connecticut's adoption of a similar act in 1995. (State's Response, pp's 21-23). Perhaps most glaring is the State's overwhelming lack of evidence that possessing a firearm by an unlicensed, law-abiding citizen within their home poses any risk to the public. All of the evidence that has been provided addresses collateral issues associated with the purchase, sale, and distribution of firearms.

The Court agrees that the government does have an interest in protecting the public. As set forth above, requiring a law-abiding citizen to obtain a FOID card and paying a $10 fee to exercise her Second Amendment right within the confines and privacy of her own home does little to protect the general public. Moreover, the firearm at issue here was a bolt-action rifle (long gun), which is not easily concealable, nor is it even a semi-automatic. Bolt-action rifles require the shooter to manually eject the spent casing and load another live round into the

chamber after each successive firing. If the Defendant were to take that firearm outside of her home, then the danger to the public may be enhanced. However, those are not the facts before this Court. This Court simply cannot stretch facts *sub judice* such that the danger to public safety is the same as someone possessing a firearm outside of the home.

430 ILCS 65/5 (a) provides, "...every applicant found qualified under Section 8 of this Act [430 ILCS 65/8] by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a $10 fee."

The Defendant argues that the fee required for the issuance of a FOID card is unconstitutional because it "suppresses a fundamental right that is recognized to be enjoyed in the most private areas, such as the home." (Defendant's Motion, p. 4.) The State counters by pointing out that the $10 is not a charge or a tax on the exercise of Second Amendment rights. Rather, it compensates the state for costs associated with processing the application. (State's Response, p. 13).

This Court agrees with the State. However, its agreement only extends to areas outside of one's home. Courts have routinely looked to First Amendment analysis when analyzing Second Amendment issues. *People v. Stevens*, 2018 IL App (4th) 150871. Yet, that analysis fails with respect to exercising a core Constitutional right *within one's home*. It simply cannot be the case that a citizen must pay a fee in order to exercise a core individual Second Amendment right within their own home. While it is true that fees have been found to be constitutional with respect to exercising First Amendment rights, the exercise of those rights were public in nature and not within one's home. This Court cannot contemplate another Constitutional right where one must pay a fee to exercise it within the safety and privacy of one's own home.

If we compare it to the right to vote, (which some would argue isn't an individual right but a civic right along the same lines as the right to join the armed forces or serve as jurors[3]), requiring a voter to pay an administrative fee for voting absentee in their own home would be unthinkable. There is no question that voting from home requires more administrative work. Yet, to require the payment of additional fees would disenfranchise voters. Illinois even requires that the return ballot postage be prepaid. 10 ILCS 5/19-4. There is no question that requiring a voter to pay a processing fee for absentee voting within their own home violates their right to vote. Moreover, requiring a person to remit a fee, regardless of how nominal it may be, to exercise their *First Amendment* rights inside their home violates their Constitutional First Amendment Rights as well. People are treated differently inside of their homes because their homes are sanctuaries and the dangers posed to the public at large are nominal. The dangers of yelling "fire" inside of one's home simply don't exist in the manner they exist in a crowded theatre.

CONCLUSION

Even though the Supreme Court left open the option of regulation to combat the dangers of gun violence in *Heller*, it is this Court's opinion that the FOID Card Act goes too far. *Heller* at 636. The Act makes criminals out of law-abiding citizens who are attempting to protect their lives within their homes.

After analyzing all of the evidence in this matter, this Court finds that FOID Card Act is NOT substantially related to an important government interest as applied to the Defendant in this case. In addition, the Court finds that *any* fee associated with exercising the core

[3] *Kanter v. Barr*, 919 F.3d 437, 465 (7th Circuit, 2019), Justice Barrett's Dissent.

fundamental Constitutional right of armed self-defense within the confines of one's home violates the Second Amendment. Specifically, the Court finds 430 ILCS 65/2(a)(1) and 430 ILCS 65/5 unconstitutional as applied to the Defendant in the case *sub judice* under the Second Amendment to the United States' Constitution. This Court cannot reasonably construe the FOID Card Act in a manner that would preserve its validity. Additionally, the finding of unconstitutionality is necessary to this Court's decision and it cannot rest its decision upon an alternative ground. Finally, this Court finds that the notice requirements of Rule 19 have been met by the Defendant serving her Motion on the White County State's Attorney thereby giving the State's Attorney and the Illinois Attorney General opportunity to defend the constitutionality of the applicable provisions of the FOID Card Act.

So Ordered, this 26th day of April, 2021

T. Scott Webb,
White County Resident Circuit Judge