

Jonathan Baum Talks to *Chicago Sun-Times* and WGN Radio on Requiring ID Card for Illinois Residents to Own Firearms

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Enacted in 1968, the Firearm Owner Identification Act requires Illinois residents to apply for an identification card (known as a FOID card) with the Illinois State Police in order to legally own a firearm. When a downstate judge in Illinois recently ruled that the FOID card system is unconstitutional on the grounds that it reduces residents' Second Amendment rights to bear arms to a "façade," a battle ensued in the state over whether Illinois can require residents to hold an identification card to own a firearm, after Illinois' attorney general appealed the decision to the Illinois Supreme Court.

Katten's Director of Pro Bono Services Jonathan Baum represents the Giffords Law Center to Prevent Gun Violence, which previously submitted a brief to the Illinois Supreme Court defending the constitutionality of the FOID system and arguing that the screening process required to get a FOID card protects public safety.

Jonathan told the *Chicago Sun-Times* that the downstate judge's ruling is a "frightening and radical decision contrary to a whole body of research about the effectiveness of FOID-type laws."

In an interview with WGN Radio on *Chicago's Afternoon News*, Jonathan elaborated further, saying "…The statement in the opinion that jumped out at me was when the judge says 'requiring a law abiding citizen to obtain a FOID card and paying a $10 fee does little to protect the general public.' That's just not true."

According to Jonathan, the courts evaluate if a law places a burden on rights by determining whether the measure enacted by the state is substantially related to an important governmental interest. The downstate judge's decision, which argues that the FOID card is a burden on law abiding citizens, "wants to take away one of the tools the state has for determining if a gun owner is, in fact, a law abiding citizen," he said.

Along with background checks, measures like the FOID card are meant to insure that guns don't get in the hands of the wrong people. When asked about the effectiveness of FOID cards, Jonathan referred to a number of social science studies showing that gun licensing requirements in other states significantly reduced the percentage of gun homicides and the rate of firearms being trafficked between states.

“…no rights under the Constitution are absolute. All rights are subject to reasonable regulation…I'm quite confident that they will reverse this decision. It flies in the face of not only the rulings on the Second Amendment, but common sense,” Jonathan said.

Void FOID? State's top court asked to decide if it's time to shoot down Firearm Owner Identification cards.

Is Illinois' 53-year-old FOID law unconstitutional?

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