

[Firearm injuries are a serious public health problem. In 2020, there were 45,222 firearm-related deaths in the United States—that's about 124 people dying from a firearm-related injury each day. More than half of firearm-related deaths were suicides and more than 4 out of 10 were firearm homicides.

More people suffer nonfatal firearm-related injuries than die. More than seven out of every 10 medically treated firearm injuries are from firearm-related assaults. Nearly 2 out of every 10 are from unintentional firearm injuries.] Fast Facts: Firearm Prevention, Violence Prevention, Centers for Disease Control and Prevention May 4, 2022

[The Centers for Disease Control and Prevention (CDC) recently released updated official mortality data that showed 45,222 firearm-related deaths in the United States in 2020—a new peak. Although previous analysis have shown increases in firearm-related mortality in recent years (2015 to 2019), as compared with the relatively stable rates from earlier years (1999 to 2014), these new data show a sharp 13.5% increase in the crude rate of firearm-related death from 2019 to 2020. This change was driven largely by firearm homicides, which saw a 33.4% increase in the crude rate from 2019 to 2020, whereas the crude rate of firearm suicides increased by 1.1%...regarding the leading causes of death among U.S. children and adolescents... defined as persons 1 to 19 years of age...in 2020, firearm-related injuries became the leading cause of death in that age group. From 2019 to 2020, the relative increase in the rate of firearm-related deaths of all types (suicide, homicide, unintentional, and undetermined) among children and adolescents was 29.5%—more than twice as high as the relative increase in the general population. The increase was seen across most demographic characteristics and types of firearm-related death.]—“Current Causes of Death in Children and Adolescents in the United States,” The New England Journal of Medicine, May 9, 2022

[A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.]—Second Amendment to the United States Constitution

[A County which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000 are home rule units. Other municipalities may elect by referendum to become home rule units. Except as limited by this Section, a home rule unit may 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...].—Article VII Section 6 State of Illinois Constitution

[In the absence of any evidence tending to show that possession or use...has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.”]— United States v Miller 307 U.S. 174

[No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury...nor be deprived of life, liberty or property, without due process of law....]—Fifth Amendment to the United States Constitution

[ARTICLE 9. HOMICIDE

(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(1) he or she either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to the individual or another; or

(2) he or she knows that such acts create a strong probability of death or great bodily harm to that individual or another;]—**CRIMINAL OFFENSES**
(720ILCS 5/Art. 9) Illinois Criminal Code of 2012

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

GUN VIOLENCE REDUCTION ORDINANCE (Proposed)

SECTION 1: Statement of the Problem

Gun violence in Chicago threatens both the lives and the livelihoods of those who reside, work or visit here. People are subjected to random, heinous, often anonymous, acts of gun violence. Chicago is not alone in experiencing grave threats to the life and liberty of its residents posed by firearms. The Centers for Disease Control and Prevention (CDC) announced in 2022 that death by firearm reached a record high in 2020 and is now the leading cause of mortality for children ages one (1) to nineteen (19).

The Chicago Police Department was created to perform the ordinary law enforcement duties of combating normal criminal activity. However, the easy access to firearms including weapons designed for use in warfare present new challenges to keeping the public safe. The threats to public safety are heightened by the fact that more and more crimes are being committed with these firearms. Businesses throughout the city have been attacked by criminals wielding guns. From street vendors to small businesses to stores along the Magnificent Mile, businesses have been subjected to brazen armed robberies and looting aided by high powered window-smashing firearms. Carjackers, some as young as early teens, use guns to force drivers out of their cars.

Neither tourists nor visitors have been immune to this violence leading many to avoid the City. In the neighborhoods residents face gun violence with no profit motive. Whether driving on the Dan Ryan or walking on their block, people have become victims of gun violence with no evident motive. No place has proven to be a safe haven from gunfire even for our youngest and most defenseless. Children have been shot while playing in city parks; while walking home from

school; while attending neighborhood activities with their parents; while strapped into the presumed safety of their carseats; during parties in their backyards; and in the privacy and sanctity of their own homes while planning birthday parties, getting ready for bed, and even while asleep. In a time when so many are willing to casually engage in gun violence, we must change the way public safety is approached. Therefore, the Chicago City Council is exercising its right under the Second Amendment to pass gun regulations.

SECTION 2: The City of Chicago's Right to Enact this Legislation

The Second Amendment grants all “free States” within the United States the right to raise and arm militia for their security. The City of Chicago claims “free State” status as a “home rule unit” granted under Article VII Section 6 of the Illinois State Constitution.

The Second Amendment specifies the militia be well-regulated. That means the militia must operate within the rule of law and exercise due process. Members of the militia must abide by rules set in place by the legislative branch (Article I Section 8 U.S. Constitution) and be trained within a discipline to exert deadly force in a manner that respects peoples' rights (Fifth Amendment). It operates under the command of the executive branch providing for the common defense (Article II Section 2). The militia is granted law enforcement powers (Article I Section 8). The Chicago Police Department is a law enforcement agency that operates under the authority of and under rules established by the Chicago City Council. It operates under the command of the Chief of Police who is appointed by the Mayor of the City of Chicago. It is well-regulated and provides for the security of the “free State” of the City of Chicago. It therefore qualifies as a “well regulated militia” under the Second Amendment.

In *United States v. Miller* the Supreme Court ruled the Second Amendment required a firearm have “some reasonable relationship to the preservation or efficiency of a well regulated militia.” Therefore, the only individuals who have a constitutional right to bear arms are members of a militia operating under the authority of a legislative branch and under the command of the executive branch of a “free State.” In Chicago that means conducting oneself in accordance with the rules and regulations set forth for the Chicago Police Department. In order to possess a firearm within the City of Chicago one must have an affiliation with the Chicago Police Department or other duly authorized and well-regulated law enforcement entity.

This ordinance will set forth the rules by which non-law enforcement personnel can establish such affiliation. These rules and regulations are consistent with the historical practices of colonial and early state constitutions as outlined in *United States v. Miller*.

Article VII Section 6 of the Illinois State Constitution grants Chicago “the power to regulate for the protection of the public health, safety...and welfare” of its residents. As the “supreme Law of the Land” (Article VI) the US Constitution also conveys upon all of its constituent polities the power to “establish Justice, Insure domestic Tranquility, provide for the common defence,

promote the general Welfare, and secure the Blessings of Liberty” (Preamble) to all members of their respective communities.

SECTION 3: Classification and Regulation of Firearms

For the purposes of this ordinance, firearms will be regulated based on three basic categories:

- 1) **Antiques and Museum Pieces:** Antique and historically significant weaponry may be kept in museums and private collections if the pieces are registered with the city, securely displayed or stored, and rendered inoperable. Such devices must apply for a certificate of antique or historically significant status.

These requirements will go into effect one year from the date the ordinance passes.

- 2) **Long Guns with Barrels of More than Six Inches:** There being no lawful purpose for the use of long guns and/or ammunition for such weapons within the City of Chicago, the possession of any form of firearm with a barrel of more than six inches propelling any type of lethal projectile is prohibited. Ammunition for such weapons is also banned.

The ban on these weapons will take effect immediately upon passage of this ordinance.

Devices with barrels in excess of six inches that propel objects from that barrel exempt from this ban include antique firearms or museum pieces that are securely stored or displayed, have been rendered inoperable, and for which the owner has a certificate of antique or historically significant status; weapons under the control of law enforcement or other governmental entities that are necessary for public safety and security; and non-lethal specialty devices used to project soft items (i.e. tee-shirt cannons). Tools that shoot projectiles (such as nail guns) are classified as tools not firearms and are not covered by this ordinance. Stun guns do not have barrels and are also not subject to this ordinance.

- 3) **Handguns with Barrels of Six Inches or Less:** Possession of firearms with barrels of six inches or less that have been modified to hold more than the standard 10-round clip; firearms that have been modified in any way to make them operate as automatic, semi-automatic or are equipped with any other rapid fire mechanisms; and any gun without a serial number such as a 3D printed or other homemade or craft guns or which the serial number has been removed are not permitted in the City of Chicago. The only exception is for antique and museum pieces that are properly secured, rendered inoperable, and certified.

A ban on handguns that do not comply with these requirements will take effect immediately upon the passage of this legislation.

Handguns with barrels six inches or less in length that do not fall under the above restrictions may be kept within the city limits only under the following conditions which will go into effect one year after the passage of this ordinance.

- a) All handguns shall be registered; all owners must be licensed by the city (gun operator's license) and state of Illinois (FOID card);
 - b) Owners, or anyone in possession of a firearm, shall provide safe and secure storage of all firearms in their possession and shall not permit anyone under 25 years of age or who is not licensed gun operator to be in possession of their firearm.
 - c) Owners must report lost or stolen guns immediately.
- 4) In *United States v Miller*, the Supreme Court ruled that the Second Amendment does not guarantee a right to possess a firearm that does not have "some reasonable relationship to the preservation or efficiency of a well regulated militia," therefore, in order to possess a firearm within the jurisdiction of the City of Chicago an individual must meet stringent licensing and training requirements on a level commensurate with the Chicago Police Department.
- a) Anyone seeking a gun operators license within the City of Chicago must qualify for militia membership and agree to make themselves available for service if needed.
 - b) Anyone seeking employment as an armed security guard must be registered and qualify for militia membership.
 - c) The use of firearms for self-defense cannot be sanctioned because a lone individual is not acting under the authority of a legislature nor under the direction of a commander in chief. A lone individual cannot provide due process mandated by the Fourth, Fifth, Sixth, Seventh, Eighth and Fourteenth Amendments; Without lawful authority to do so and by depriving the accused the right of due process, an individual acting alone demonstrates the intent to kill or do great bodily harm to another person without lawful authority in violation of Article 9 of 720ILCS 5 of the Illinois Criminal Code of 2012.
- 5) This ordinance takes no stance on the right to own firearms. It does, however, prohibit anyone from possessing them within the City of Chicago except under carefully controlled conditions necessary for the safety of the public from an instrument that is designed for the sole purpose of causing death or grievous bodily harm.
- a) Any unregistered gun, any gun found in the possession of an individual who is not licensed, or any gun that has been used in a

negligent manner, defined as posing a risk to the health and safety of others, is subject to being impounded.

- b) The owner and/or person in whose possession an unregistered or banned firearm is found is subject to fines and possible revocation of their license.
 - c) The owner may retrieve an impounded weapon once the owner comes into compliance with the ordinance and pays all applicable fines. This is no different from impounding an illegally parked car. Fines will be waived if the owner surrenders the firearm to the Chicago Police Department and forfeits ownership of it.
 - d) Failing to secure a gun that results in it coming into the hands of a child, defined as anyone under eighteen (18) years of age, is a felony. The weapon being found in the possession of a child under twelve (12) years of age is an aggravating factor.
 - e) Failing to secure a gun that is later found to have been used in the commission of a crime and/or to have caused the injury or death of a person will result in the owner being charged as an accessory to that crime and/or aiding and abetting in those injuries or death.
 - f) Any firearm that has been found to have been used in a crime or involved in the unlawful death or injury of a person or domestic (tame) animal will be taken into the custody of the Chicago Police Department. After its evidentiary purpose has been fulfilled and commemorated, the firearm will be destroyed.
- 6) All firearms present within City limits must be registered. Registration of a firearm will collect the following information:
- a) Manufacturer, model, and serial number of the weapon.
 - b) Physical description and photo of the weapon.
 - c) Information to establish the weapon was legally acquired such as date and place of purchase, bill of sale, or other documentation that demonstrates how the firearm came into the possession of the owner including list of previous owners.
 - d) Type of ammunition used and a ballistics test to be kept on file
 - e) Full name, date of birth, address, phone number, and proof of a valid City of Chicago gun operator's license including photo of the owner.
 - f) The stated purpose for possessing the weapon.
 - g) To assure the requirement that all guns are securely stored is enforced, information on where the weapon will be kept and the manner in which it will be secured along with a list of those other than the owner, especially children, who could come into contact with the weapon will be collected.

- h) A list of all other individuals who may have use of the weapon along with their contact information and proof of a valid gun operator's license.
 - i) Only individuals 25 years of age or older with a valid City of Chicago gun operator's license are permitted to be in the possession of a firearm within its jurisdiction.
- 7) Each registered weapon may only be in the possession of someone on the list of authorized operators of that firearm or be issued it by an official law enforcement agency or bonded private security firm to a properly licensed individual. There is a limit of two (2) gun registrations per gun operator. Institutional possession of firearms, such as by law enforcement entities or private security firms that issue firearms to their employees, is not the focus of this ordinance. Therefore those entities are exempt from the two (2) gun registrations per gun operator limit.
- 8) No homes will be entered or searched for the sole purpose of seizing weapons under this ordinance. Firearms that are discovered not to be in compliance with the ordinance will be impounded until such time as the owner can demonstrate the ability to comply. Fines will be imposed. This is the same principle employed when towing and impounding illegally parked cars.
- 9) When this ordinance goes into effect those in possession of any firearms not in compliance must relocate those weapons to safe and secure storage in a location outside of the City of Chicago where it is legally permissible to do so.
- 10) The Chicago Police Department will specify the type of ammunition permitted to be used in handguns within the City of Chicago and will be the sole legal distributor of ammunition used in handguns in the City of Chicago. In order to purchase ammunition for a handgun within the City of Chicago, purchaser must provide a valid gun operators license, gun registration, FOID card, and palm print.
- 11) Active duty members of the military and law enforcement other than the Chicago Police Department who are on duty while in the possession of a firearm and are performing official law enforcement and/or common defense duties are automatically deemed to be in compliance with this ordinance.

SECTION 4: Requirements for Gun Ownership or Possession within the City of Chicago

Anyone wishing to own or possess a handgun within the City of Chicago must qualify for militia membership. Only those individuals who have met the requirements for militia membership are allowed to work as armed security guards providing private security services within the City of Chicago. Individuals who acquire militia membership agree to be available to be called to service to act as part of an auxiliary security force to the Chicago Police Department if needed.

The Chicago Police Department will set the training standards for militia membership, including those for recertification, so that they are commensurate with those completed by Chicago police officers. The CPD will also outline the duties and parameters of militia service. To be a candidate for militia membership candidates:

- 1) Must be at least 25 years of age.
 - a) An exception is made for individuals who have served in the military or law enforcement in a capacity that required training in and use of weapons and left that position in good standing.
 - b) This excludes any individual who served in the military or law enforcement who did not receive weapons training or use firearms in the commission of their duties or who received a dishonorable discharge or severance for cause from a law enforcement entity.
- 2) Must show proof of being of sound mind and good character and possess the ability to physically operate a gun safely:
 - a) Candidate must be free of any criminal record including being placed under a restraining order for domestic violence nor shall candidate have any record of expressing intent to harm self or others.
 - b) Candidate must be in control of their emotions and actions; those exhibiting erratic, threatening, or abusive behavior are disqualified: any history of causing harm, either physical or mental, to others; animosity towards others such as any acts of aggression, harassment, coercion, doxxing, or the posting of threats or demeaning messages on social media; any candidate who has exhibited cruelty to animals.
 - c) Candidate must have good vision defined as (or corrected to) 20/20.
 - d) Candidate must demonstrate the ability to safely and accurately operate the firearm.
 - e) Candidates must be re-certified every four years.
- 3) Immediately upon the passing of this ordinance, the City Council of Chicago and the Mayor's Office will work together in the formation of a planning committee that will:
 - a) Work with the Chicago Police Department to set the training requirements and develop gun safety and training courses for non-law enforcement personnel.
 - b) Specify course content, level of mastery necessary, develop materials and secure equipment to be used.
 - c) Set qualifications for instructors.
 - d) Staff and identify locations for training.
 - e) Create the platforms that will allow candidates to register for courses, track course payments, proficiency levels, and certifications earned.
 - f) Create searchable databases to allow officials to verify all requirements for holding a gun operator's license are met and

- currently valid and to identify those individuals who seek work as private security guards and select those available for militia service.
- g) Establish a fee structure for training and classes.
 - h) Work with City Clerk's Office to arrange for online registration and payment for courses.
- 2) Establish the necessary procedures, databases and logistics to allow for compliance with gun registration component of this legislation:
- a) Determine how and where individuals can register their weapons or apply for certificates of antique or historically significant status.
 - b) Work with curators to determine the parameters for declaring a weapon is an antique or as having historically significant status.
 - c) Codify what it means for a firearm to be securely stored and inoperable.
 - d) Create the forms and searchable databases on which the required gun registration information will be collected and stored.
 - e) Work with other local, state and federal agencies to ensure the databases can interface with each other when necessary.
 - f) Create the fee structure for the registration process.
 - g) Work with City Clerk's Office to arrange for fee payment options.
- 3) Identify the necessary protocols for the impounding, secure storing, tracking, eventual return or surrender of firearms, and the collection of fines for ordinance non-compliant weapons.
- a) Identify locations and conditions under which impounded firearms will be kept until such time owners come into compliance with the ordinance.
 - b) Create a system for identifying and tracking impounded weapons and their return to owners when the fines are paid or the final disposition of a firearm in the event it is forfeited.
 - c) Develop a method for commemorating data on impounded and surrendered weapons to preserve the ability to identify their use in crimes committed either prior or subsequent to their impoundment, return or destruction.
 - d) Establish a secure and trusted means of destroying surrendered weapons.
 - e) Establish the fine structure for gun regulation violations.
 - f) Coordinate with the City Clerks office to allow fines to be paid to the City of Chicago.
- 4) Create a public notification and education campaign to make the public aware of the new regulations.
- a) Create public service announcements and other public informational media to inform those residing in, relocating to, or visiting the City of Chicago of their obligations under the new gun regulation ordinance.

- b) Work with hotels, transportation and moving companies, and local media outlets to inform the public about the ordinance and what members of the public need to do to be in compliance with it.
 - c) Work with the Chicago Police Department to develop guides to help officers understand their role in the enforcement of the ordinance and to assure the public that police officers will not be raiding anyone's homes.
 - d) Liaison with private security companies to ensure they understand their obligations under this ordinance.
- 5) Work with Chicago Police Department to establish the types of ammunition allowed for handguns in the City as well as locations and procedures for sale of ammunition.
- 6) Ensure that all certification programs, training courses, and impound locations are up and available as soon as the ordinance goes into effect one year after the ordinance is approved.
- 7) Owners or those in the possession of firearms banned immediately upon the passage of the ordinance will have a grace period of ninety days to remove those firearms from the City of Chicago and store them securely in a location where it is legal to do so.
- a) A fine of twenty-five dollars per day will be imposed for days ninety-one to one-hundred-eighty.
 - b) A fine of fifty-dollars per day will imposed for days one-hundred-eighty-one to two-hundred-seventy.
 - c) A fine of \$100 per day will be imposed for days two-hundred-seventy-one to three-hundred-sixty-five.
 - d) All fines are cumulative. Forfeiting ownership and surrendering the firearm to the Chicago Police Department will negate all fines.
 - e) Subsequent fines will be set by the planning committee and will go into effect one year after the date of passage of the ordinance.

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