

ISRA “DEALER ACT” LAWSUIT:

- The Combating Illegal Gun Trafficking Act (“the Dealer Act”) aims to prevent dangerous people from accessing firearms by requiring firearms dealers to get a state license and institute commonsense security and recordkeeping measures. 430 Ill. Comp. Stat. 68/5-1, *et seq.* It does not interfere with the ability of law-abiding, responsible citizens to purchase firearms from licensed dealers.
- The Illinois State Rifle Association’s lawsuit incorrectly argues that certain requirements under the Dealer Act violate Section 22 of the Illinois state constitution, which protects an individual right to bear arms. The plaintiffs in the lawsuit say that the requirements for firearms dealers violate dealers’ “right to sell” firearms and firearm purchasers’ right to purchase firearms.
- The Dealer Act does not violate Section 22 of the Illinois state constitution. Illinois courts use “rational basis review” for Section 22 challenges. Under rational basis review, a challenged law is valid if it is rationally related to a proper government goal. The Dealer Act is rationally related to the State’s goal of keeping firearms out of dangerous hands. It should easily survive rational basis review.
- The plaintiffs may argue that Illinois state courts should use a higher standard of review. But even under such a standard, like the heightened scrutiny applied to Second Amendment challenges, the Dealer Act would still survive. A higher standard of review would require the State to justify the Dealer Act with more specific evidence of the dangerous possession problems it seeks to solve, and evidence of how tightly the Dealer Act addresses these problems. The State will be able to show that the Dealer Act’s requirements bears a tight fit with its interest in reducing unlawful firearm trafficking and possession and does so without burdening the rights of law-abiding and responsible citizens.