IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTIRICT OF ILLINOIS
EASTERN DIVISION

SHAWN GOWDER, Plaintiff, v. CITY OF CHICAGO, a municipal corporation, the CITY OF CHICAGO DEPARTMENT OF ADMINISTRATIVE HEARINGS, MUNICIPAL HEARINGS DIVISION, SCOTT V. BRUNER, Director of the City of Chicago Department of Administrative Hearings, the CITY OF CHICAGO DEPARTMENT OF POLICE, and JODY P. WEIS, Superintendent of the City of Chicago Department of Police, Defendants.	)	No. 11-cv-1304 Judge Der-Yeghiayan

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT
OF HIS MOTION FOR JUDGMENT ON THE PLEADINGS

NOW COMES plaintiff Shawn Gowder, by and through his attorney Stephen A. Kolodziej of the law firm of Brenner, Ford, Monroe & Scott, Ltd., and submits this Memorandum of Law in support of plaintiff's motion for judgment of the pleadings.

I. Standard of review

A motion for judgment on the pleadings should be granted only if the moving party clearly establishes that no material issue of fact remains to be resolved and that he is entitled to judgment as a matter of law. *National Fidelity Life Insurance Co. v. Karaganis*, 811 F.2d 357, 358 (7th Cir. 1987). "The court may consider only matters presented in the pleadings and must view the facts in the light most favorable to the nonmoving party." *Id*.

In an action for judicial review of an administrative agency's decision under the Illinois

Administrative Review Law, the applicable standard of review depends upon whether the question presented is one of fact, one of law, or a mixed question of fact and law. *Cinkus v. Village of Stickney Municipal Officers Electoral Board*, 228 Ill. 2d 200, 886 N.E.2d 1011, 1018 (Ill. 2008). An agency's factual findings are deemed *prima facie* true and correct, and the reviewing court is limited to ascertaining whether such findings are against the manifest weight of the evidence. *Id.*, 886 N.E.2d at 1018. However, "an agency's interpretation of the meaning of the language of a statute constitutes a pure question of law. Thus, the court's review is independent and not deferential." *Id*. The agency's determination on a question of law is reviewed by the court *de novo*. *City of Belvidere v. Illinois State Labor Relations Board*, 181 Ill. 2d 191, 692 N.E.2d 295, 302 (Ill. 1998).

"Generally, in construing municipal ordinances, the same rules are applied as those which govern the construction of statutes." *In re Application of the County Collector of Kane County*, 132 Ill. 2d 64, 547 N.E.2d 107, 110 (Ill. 1989). Courts must, if possible, interpret statutes and ordinances in such a manner as to avoid raising serious constitutional questions. *Villegas v. Board of Fire and Police Commissioners of the Village of Downers Grove*, 167 Ill. 2d 108, 656 N.E.2d 1074, 1082 (Ill. 1995); *Turner v. Campagna*, 667 N.E.2d 683, 685 (Ill. App. 1st Dist. 1996).

In this case, there are no material facts in dispute. As the defendants' answer demonstrates, it is undisputed that MCC 8-20-110(a) provides that "it is unlawful for any person to carry or possess a firearm without a CFP [Chicago Firearm Permit]," and that defendants denied plaintiff's application for a CFP. It is undisputed that MCC 8-20-110(b)(3)(iii) provides that a CFP will not be issued to a person who has been "convicted by a court in any jurisdiction

of an unlawful use of a weapon that is a firearm;" and that the ordinance does not define the term "use." It is undisputed that plaintiff has a 1995 misdemeanor conviction for unlawfully carrying or possessing a handgun in a public place pursuant to 720 ILCS 5/24-1(a)(10). It is further undisputed that this misdemeanor conviction was the sole basis on which the CPD denied plaintiff's application for a CFP; and that the DOAH affirmed the denial of plaintiff's application based upon its construction of the term "use" in MCC § 8-20-110(b)(3)(iii) to include misdemeanor convictions for merely carrying or possessing a firearm, as opposed to actively firing, employing, or operating a firearm.

Accordingly, the sole issues presented for review by the Court are two pure questions of law: whether the DOAH's interpretation of the meaning of MCC § 8-20-110(b)(3)(iii) was erroneous because it is contrary to ordinary linguistic usage and raises a substantial constitutional question, and, if not, whether the ordinance as construed and applied by the DOAH impermissibly infringes on the fundamental right to keep and bear arms under the U.S. and Illinois Constitutions. This case is therefore appropriate for resolution on a motion for judgment on the pleadings. *See Flora v. Home Federal Savings and Loan Ass'n.*, 685 F.2d 209, 211 (7th Cir. 1982).

II. The DOAH's construction "unlawful use of a weapon" was erroneous

As set forth in plaintiff's motion, defendants have admitted that the sole basis for the denial of plaintiff's CFP application was that "You have been convicted by a court in any jurisdiction of an unlawful use of a weapon that is a firearm. See Municipal Code of Chicago 8-20-110(b)(3)(iii)." However, the Certified Statement of Conviction/Disposition shows a misdemeanor conviction for: "Carry/possess firearm in P." The terms "carry/possess" do not

constitute "use."

The legal distinction between "carry or possess" and "use" is recognized in MCC 8-20-110 itself, which provides in part:

(a) . . . it is unlawful for any person to *carry or possess* a firearm without a CFP.

(b) No CFP application shall be approved unless the applicant: . . .

(3) has not been convicted by a court in any jurisdiction of: . . .

(iii) an unlawful *use* of a weapon that is a firearm . . . . (Emphasis added.)[1]

Since the above refers to having been "convicted by a court *in any jurisdiction*" of the "unlawful use" of a firearm, the term "use" refers to its ordinary meaning in jurisdictions generally, not an uncommon meaning by a single jurisdiction.[2] No special definition is set forth in MCC 8-20-010, "Definitions." A reference is made there to the Illinois Firearms Owners Identification Card Act, 430 ILCS 65/1 *et seq*., but not in connection with the issue here.

The conviction here is for a violation of 720 ILCS 5/24-1(a)(10)1, which has the following uncommon meaning of "use":

A person commits the offense of unlawful use of weapons when he knowingly: . . .

(10) Carries or possesses on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or

[1]*See also* MCC 8-20-202(a) ("It is unlawful for any person to carry or possess a handgun, except when in the person's home.").

[2]"Because it is undefined, this statutory term must be given its plain and ordinary meaning." *Village of Northfield v. BP America, Inc*., 403 Ill. App.3d 55, 61, 933 N.E.2d 413 (Ill. App. 2010). "The best indication of legislative intent is the statutory language, given its plain and ordinary meaning. . . . When the statute contains undefined terms, it is entirely appropriate to employ a dictionary to ascertain the plain and ordinary meaning of those terms." *People v. Davison*, 233 Ill.2d 30, 40, 329 Ill. Dec. 347, 906 N.E.2d 545 (2009).

> incorporated town, . . . any pistol, revolver, stun gun or taser or other firearm . . . .

Other jurisdictions – including the United States, other States, and Illinois municipalities – do not equate the mere carrying or possession of a firearm with the "use" thereof. For instance, the federal Gun Control Act penalizes "possession" in some contexts, and "use" in others. Compare 18 U.S.C. § 922(g) ("possession" of firearm by certain persons) with § 924(c) ("use" of firearm during drug trafficking or crime of violence). *Bailey v. United States*, 516 U.S. 137, 143 (1995), held about the latter that "'use' signifies active employment of a firearm. . . . We . . . hold that § 924(c)(1) requires evidence sufficient to show an active employment of the firearm by the defendant, a use that makes the firearm an operative factor in relation to the predicate offense."[3] "We agree . . . that 'use' must connote more than mere possession of a firearm . . . ." *Id*. *See also id.* at 146 ("a firearm can be carried without being used").

The term "use" in MCC 8-20-110 must be given its ordinary meaning, which would be, as explained in *Bailey*, *id*. at 145:

> The word "use" in the statute must be given its "ordinary or natural" meaning, a meaning variously defined as "[t]o convert to one's service," "to employ," "to avail oneself of," and "to carry out a purpose or action by means of." . . . (citing Webster's New International Dictionary of English Language 2806 (2d ed. 1949) and Black's Law Dictionary 1541 (6th ed. 1990)).

Unless construed with its ordinary meaning, MCC 8-20-110 would allow a person with a conviction for mere possession or carrying of a firearm in any jurisdiction in the United States other than Illinois to be issued a CFP. The lone exception would be a person convicted under

[3]"The active-employment understanding of 'use' certainly includes brandishing, displaying, bartering, striking with, and, most obviously, firing or attempting to fire a firearm." *Id*. at 148.

720 ILCS 5/24-1(a)(10)1. "Statutes must be construed to avoid absurd results." *Jones v. Nissan North America, Inc*., 385 Ill. App.3d 740, 751, 895 N.E.2d 303 (2008). Moreover, the provision must be interpreted according to ordinary usage to avoid the constitutional issue of whether the resulting ban on possession of a firearm by the applicant would violate the Second and Fourteenth Amendments to the U.S. Constitution, and Article I, § 22, of the Illinois Constitution.[4]

Under established Illinois precedent regarding statutory interpretation, the DOAH was required to interpret the undefined term "use" in MCC § 8-20-110(b)(3)(iii) in such a manner as to avoid raising a serious constitutional question. The DOAH could have done this by simply construing the term "use" to have its ordinary meaning of actively employing or operating a firearm, as opposed to merely possessing or carrying a firearm. Had the DOAH interpreted the ordinance in this manner, any question of whether the ordinance violated federal or state constitutions would have been completely avoided, the denial of plaintiff's CFP application would have been reversed, and this litigation would have been unnecessary. Instead, the DOAH interpreted the term "unlawful use of a weapon" to include a misdemeanor conviction for merely carrying or possessing a firearm, as opposed to actively employing or operating a firearm, thereby raising a serious constitutional question – *i.e.*, whether that provision of the ordinance, as so construed, violates the fundamental right to keep and bear arms under the U.S. and Illinois Constitutions.

The DOAH's construction of MCC 8-20-110(b)(3)(iii) was therefore erroneous, and

[4]*See Villegas v. Board of Fire & Police Commissioners*, 167 Ill.2d 108, 124, 212 Ill. Dec. 240, 656 N.E.2d 1074 (1995) ("where possible, courts are to interpret statutes and ordinances in such manner as to avoid raising serious constitutional questions.").

should be reversed pursuant to section 3/111 of the Illinois Administrative Review Law, 735 ILCS 5/3-111.

III. Denial of the CFP based on a misdemeanor conviction for mere possession/carrying of a firearm violates the fundamental right to keep and bear arms

Alternatively, if the interpretation given to MCC § 8-20-110(b)(3)(iii) by the DOAH is not erroneous, the denial of plaintiff's CFP application based upon that interpretation impermissibly infringes on plaintiff's right to keep and bear arms under Amends. II and XIV, U.S. Const., and Art. I, § 22, Ill. Const. Plaintiff may lawfully possess firearms under the laws of the United States and Illinois. He has a FOID car issued pursuant to the Illinois Firearms Owners Identification Card Act, 430 ILCS 65/1 *et seq*., and thus is not among the "persons who are not qualified to acquire or possess firearms . . . within the State of Illinois . . . ." *Id*. § 1. He is entitled to the FOID card because "[h]e . . . has not been convicted of a felony under the laws of this or any other jurisdiction . . . ." *Id*. § 4(a)(2)(ii).

The Chicago ordinance, however, deprives plaintiff of the fundamental right to keep a handgun or any other firearm in the home for self-defense as recognized by the U.S. Supreme Court in *Heller* and *McDonald*. The plaintiff's misdemeanor conviction for "carr[ying] or possess[ing] on or about his person" a firearm under 720 ILCS 5/24-1(a)(10)1 does not disqualify him from possessing a firearm under the laws of the United States and Illinois. That offense itself is constitutionally suspect given that plaintiff has a right to "bear arms" under both constitutional guarantees.

A. Violation of the Second and Fourteenth Amendments

The Second Amendment provides: "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."

District of Columbia v. Heller, 554 U.S. 570 (2008), held that the Second Amendment protects the right to keep and bear arms for the purpose of self-defense, and struck down a law that banned the possession of handguns in the home. *McDonald v. City of Chicago*, 130 S.Ct. 3020 (2010), held the right to apply to the states through the Fourteenth Amendment.

While the ordinance as applied here prohibits plaintiff from possession of any firearm, even in his home, the ordinance in *Heller* only banned handguns, not long guns. Yet the Supreme Court held:

> the inherent right of self-defense has been central to the Second Amendment right. The handgun ban amounts to a prohibition of an entire class of "arms" that is overwhelmingly chosen by American society for that lawful purpose. The prohibition extends, moreover, to the home, where the need for defense of self, family, and property is most acute. Under any of the standards of scrutiny that we have applied to enumerated constitutional rights, banning from the home "the most preferred firearm in the nation to 'keep' and use for protection of one's home and family," . . . would fail constitutional muster.

Heller, 554 U.S. at 628-29.

A person with a misdemeanor conviction, particularly for the victimless crime of carrying or possessing a firearm, may not be deprived of the right to keep and bear arms. The Supreme Court stated in *McDonald*: "We made it clear in *Heller* that our holding did not cast doubt on such longstanding regulatory measures as 'prohibitions on the possession of firearms by felons and the mentally ill,' . . . ." *McDonald*, 130 S.Ct. at 3047, citing *Heller*, 128 S.Ct. at 2816-2817. The Court conspicuously made no mention of misdeameanants, who have not forfeited the right

as have felons.

The only misdemeanor that has been held to disqualify one from Second Amendment rights is the "misdemeanor crime of domestic violence" under 18 U.S.C. § 922(g)(9). "The belief underpinning § 922(g)(9) is that people who have been convicted of violence once – toward a spouse, child, or domestic partner, no less – are likely to use violence again." *United States v. Skoien*, 614 F.3d 638, 642 (7th Cir. 2010) (en banc). But the term "violent crime" does not apply to the mere unlawful possession of a firearm, *Stinson v. United States*, 508 U.S. 36, 47 (1993), or carrying a concealed weapon, *United States v. Archer*, 531 F.3d 1347, 1351 (11th Cir. 2008).

Moreover, the prohibition on "carr[ying] or possess[ing] on or about his person" a firearm under 720 ILCS 5/24-1(a)(10)1 criminalizes the exercise of a constitutional right and thus may not be the basis for denial of the same constitutional right. "At the time of the founding, as now, to 'bear' meant to 'carry.'" *Heller*, 128 S.Ct. at 2793. *Heller* equated "bear arms" with "carries a firearm," including to "wear, bear, or carry . . . upon the person or in the clothing or in a pocket, for the purpose . . . of being armed and ready for offensive or defensive action in a case of conflict with another person." *Id.*

The Amendment in no manner confines the right to bear arms to one's house. The explicit reference to the militia indicates that the right is not home-bound, nor is the right to bear arms limited to militia activity.[5] When a provision of the Bill of Rights relates to a house, it says

[5] The Second Amendment does not refer to the right to "bear arms in militia service," but, by contrast, the Indictment Clause of the Fifth Amendment refers to the "the militia, when in actual service."

so plainly.[6] The activities protected by the Second Amendment are not limited to the home, in that "preserving the militia was [not] the only reason Americans valued the ancient right; most undoubtedly thought it even more important for self-defense and hunting." *Heller*, 554 U.S. at 599.

Heller noted the limited, traditional "prohibitions on carrying concealed weapons" and "laws forbidding the carrying of firearms in sensitive places such as schools and government buildings." *Id*. at 626-27. That the Second Amendment allows regulation of the manner of bearing arms while entitling one to carry arms in non-sensitive places hardly means that the right to bear arms may be banned altogether, as Illinois does. "A statute which, under the pretence of regulating, amounts to a destruction of the right, or which requires arms to be so borne as to render them wholly useless for the purpose of defence, would be clearly unconstitutional." *Id*. at 629, quoting *State v. Reid*, 1 Ala. 612, 616-617 (1840).

McDonald made clear that the Fourteenth Amendment, in extending the Second Amendment to the states, would invalidate outright bans on the carrying of firearms in any form. These laws which the Fourteenth Amendment would invalidate typically provided that freedmen may not "keep or carry fire-arms of any kind." 130 S.Ct. at 3038. An enactment preceding the Fourteenth Amendment and underlying its intent declared that the rights to "personal liberty" and "personal liberty" included "the constitutional right to bear arms" for all. *Id*. at 3040.

Illinois is the only state in the entire United States that makes it a crime to exercise the constitutional right to bear arms off of one's premises in any manner, whether openly or

[6]U.S. Const., Amend. III ("No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law."); Amend. IV ("The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated").

concealed, and makes no provision for a license or permit to do so.[7] Plaintiff's misdemeanour conviction for carrying or possessing a firearm in a public place, under a state law that wholly prohibits what the Second Amendment guarantees, may not be used to deny him the right to possess any firearm in his own home.

Accordingly, MCC 8-20-110(b)(3)(iii), as interpreted by the DOAH, impermissibly infringes on plaintiff's fundamental right to keep and bear arms. In the event, therefore, that the Court determines that the DOAH's interpretation of the ordinance was not erroneous, MCC 8-20-110(b)(3)(iii) violates the Second and Fourteenth Amendments to the U.S. Constitution both on its face and as applied to plaintiff, and is void.

B. Violation of Ill. Const., Art. I, § 22

Article I, § 22, of the Illinois Constitution provides: "Subject only to the police power, the right of the individual citizen to keep and bear arms shall not be infringed." Unless construed not to disqualify the applicant for a CFP, MCC 8-20-110(b)(3)(iii) would infringe on his right to keep and bear arms in that it would prohibit him from possession of any firearm.

In *Kalodimos v. Village of Morton Grove*, 103 Ill.2d 483, 470 N.E.2d 266 (Ill. 1984), the Illinois Supreme Court explained that Ill. Const. Art. I, § 22 does not permit a categorical ban on the possession of all firearms: "Based on the floor debates and the official explanation, as well as on the language of the provision, it is apparent to us that section 22, as submitted to the voters, meant that a ban on all firearms that an individual citizen might use would not be permissible . . . ." *Id.*, 470 N.E.2d at 272-273. "We emphasize again that section 22 bestows upon individual citizens for the first time a right to possess some form of weapon suitable for self-defense or

[7] See statutory citations from all fifty states in Addendum at end of this brief.

recreation . . . ." *Id*. at 273.

Accordingly, MCC 8-20-110(b)(3)(iii), as construed by the DOAH, impermissibly infringes upon plaintiff's right to keep and bear arms under the Illinois Constitution. In the event, therefore, that the Court determines that the DOAH's interpretation of the ordinance was not erroneous, MCC 8-20-110(b)(3)(iii) violates Article I, § 22 of the Illinois Constitution both on its face and as applied to plaintiff, and is void.

IV. Defendants may not introduce extraneous matters outside the pleadings in an attempt to retrospectively justify the denial of plaintiff's CFP application

It is undisputed that the sole basis for the denial of plaintiff's CFP application was his single misdemeanor conviction in 1995 for carrying/possessing a firearm in public, pursuant to 720 ILCS 5/24-1(a)(10). It is further undisputed that the term "use" is not defined by MCC 8-20-110(b)(3)(iii)**.** The Certified Record of Proceedings from the DOAH establishes that the City of Chicago did not introduce or attempt to introduce any additional facts or evidence other than plaintiff's undisputed misdemeanor conviction to support either the interpretation of the ordinance urged by the City, or the denial of plaintiff's CFP application. Accordingly, defendants may not now seek to submit additional evidentiary facts to oppose plaintiff's motion, or to support the DOAH's interpretation and application of the ordinance to affirm the denial of the CFP application.

As noted, in a motion for judgment on the pleadings: "The court may consider only matters presented in the pleadings and must view the facts in the light most favorable to the nonmoving party." *Karaganis*, 811 F.2d at 358. Plaintiff's federal and state constitutional claims are premised and dependent solely upon the interpretation given to MCC § 8-20-110(b)(3)(iii) by the DOAH. If the DOAH's interpretation was erroneous, plaintiff's

constitutional claims are mooted. If the interpretation was not erroneous, then the ordinance is unconstitutional on its face. Since "construction of a statute is a question of law," *Davison*, 233 Ill.2d at 40, further fact finding would not be relevant to whether the meaning of "use" in the ordinance encompasses the mere carrying or possession of a firearm or, if that term is so encompassed, whether the ordinance violates the Second Amendment.

As construed by defendants, the ordinance here prohibits plaintiff from possession of any firearm of any kind. *Heller* followed a categorical approach in holding that a handgun ban, "[u]nder any of the standards of scrutiny that we have applied to enumerated constitutional rights, . . . would fail constitutional muster." 554 U.S. at 628-29. "But the enshrinement of constitutional rights necessarily takes certain policy choices off the table. These include the absolute prohibition of handguns held and used for self-defense in the home." *Id*. at 636.

Heller rejected Justice Breyer's proposed "judge-empowering 'interest-balancing inquiry' that 'asks whether the statute burdens a protected interest in a way or to an extent that is out of proportion to the statute's salutary effects upon other important governmental interests.'" *Id*. at 634.[8] *Heller* explained: "The very enumeration of the right takes out of the hands of government -- even the Third Branch of Government -- the power to decide on a case-by-case basis whether the right is really worth insisting upon." *Id*. Thus, "we hold that the District's ban on handgun possession in the home violates the Second Amendment . . . . Assuming that Heller is not disqualified from the exercise of Second Amendment rights, the District must permit him to register his handgun . . . ." *Id*. at 635. See also *id*. at 631 (being "not otherwise disqualified" for a handgun license meant that "he is not a felon and is not insane.").

[8] The "interest-balancing inquiry" would allow "arguments for and against gun control" and the upholding of a handgun ban "because handgun violence is a problem . . . ." *Id*.

Nor may this Court make such decisions on a case-by-case basis by allowing defendants to explore and raise "facts" outside the existing record, none of which would bear on plaintiff's qualification under the ordinance and under the Second Amendment to register and possess a firearm, and then to make policy arguments why this plaintiff should not possess a firearm or, more generally, why firearms are a menace to society. For his interest balancing, Justice Breyer would have considered legislative findings in a committee report, studies in medical journals and crime reports, and other sources that allegedly supported the handgun ban with facts. *Id*. at 694-704 (Breyer, J., dissenting). The *Heller* majority did not find such sources worthy of mention.[9]

But *Heller* rejected use of such "fact-finding" to determine whether a person may exercise Second Amendment rights. It simply applied the categorical approach, which is based on the premises that the Second Amendment guarantees an individual right to possess firearms, a prohibition on firearms infringes on the right, and a person who is not a felon or insane is protected by the Second Amendment. That approach precludes "fact-finding" and policy arguments here regarding any matter, whether about the role of firearms in society or about this specific plaintiff, not in the existing administrative record.

In sum, plaintiff is entitled to judgment on the pleadings as a matter of law. Defendants are not entitled to explore or introduce "facts" and to make policy arguments regarding the purely legal issues in question here.

V. Conclusion

Based upon the undisputed facts in this case, the DOAH's interpretation of MCC 8-20-110(b)(3) to require denial of plaintiff's CFP application based on a misdemeanor conviction for

[9] *McDonald* barely mentioned Chicago's legislative finding about guns and violence and accorded it no discussion. 130 S.Ct. at 3026.

carrying/possessing a firearm in public was clearly erroneous and cannot stand. The Court should therefore grant plaintiff judgment on the pleadings on his administrative review claim, Count I of the amended complaint. The Court should reverse the decision of the DOAH and order defendants to issue a CFP to plaintiff.

Alternatively, in the event the Court determines that the DOAH's interpretation was not erroneous, and that the ordinance does bar the issuance of a CFP based on a misdemeanor conviction for the mere carrying/possessing of a firearm in public, then MCC § 8-20-110(b)(3)(iii) violates the plaintiff's right to keep and bear arms under the Second and Fourteenth Amendments to the U.S. Constitution, and under Article I, § 22 of the Illinois Constitution. The Court should therefore enter judgment on the pleadings in favor of plaintiff on Counts II and III of the amended complaint.

WHEREFORE, plaintiff Shawn Gowder prays that the Court grant his motion for judgment on the pleadings, and enter an order granting the relief sought therein, and any additional relief that the Court deems equitable and appropriate.

Respectfully submitted,

s/ Stephen A. Kolodziej____

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CERTIFICATE OF SERVICE

I, Stephen A. Kolodziej, an attorney, certify that on June 21, 2011, service is being made in accordance with the General Order on Electronic Case Filing section XI to the following:

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ADDENDUM

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STATE LAWS PERMITTING THE CARRYING OF HANDGUNS

Other than Illinois, all States permit the carrying of handguns in one form or another. Almost all States issue licenses or permits to carry concealed handguns, either in the form of "shall issue" or less restrictive laws ("R" below), or "may issue" or more discretionary laws ("L" below). Many states allow the open carrying of handguns without a license, and a few allow the concealed carrying of handguns without a license.

STATE	STATUTE	TYPE
AK	ALASKA STAT § 18.65.700 et seq.	R & Permit not required to carry concealed.
AL	ALA. CODE § 13A-11-50 through 85	R
AR	ARK. CODE ANN. § 5-73-301 et seq.	R
AZ	ARIZ. REV. STAT § 13-3101 et seq.	R & Permit not required to carry concealed.
CA	CAL. PENAL CODE § 12050	L
CO	COLO. REV. STAT § 18-12-201 et seq.	R
CT	CONN. GEN. STAT. § 29-27 to -36L	R
DE	DEL. CODE ANN. tit. 11 § 1441	L
FL	FLA. STAT. ANN. § 790.06	R
GA	GA. CODE ANN. § 16-11-126 et seq.	R
HA	HAW. REV. STAT. § 134-9	L
IA	IA CODE § 724.7 et seq.	R
ID	IDAHO CODE § 18-3302 65/2	R
IL	ILLINOIS	RIGHT DENIED
IN	IND. CODE § 35-47-2-1 et seq.	R

KA	KAN. STAT. ANN. § 21-4201	R
KY	KY. REV. STAT. ANN. § 237.110	R
LA	LA. REV. STAT. ANN. § 40:1379.3	R
MD	MD. CODE ANN. PUB SAF 5-301	L
MA	MA. GEN. LAWS ch. 140 122 et seq	L
ME	25 ME. REV. STAT. ANN. § 2001 et seq.	R
MI	MICH. STAT. ANN. § 28.421 et seq.	R
MN	MINN. STAT. § 624.714	R
MS	MISS. CODE. ANN. § 45-9-101	R
MO	Mo. Rev. Stat. § 571.101	R
MT	MONT. CODE ANN. § 45-8-321	R
NE	NEB. REV. STAT. § 28-1202	R
NV	NEV. STAT. 202.3653	R
NH	N.H. REV. STAT. ANN. § 159:6	R
NJ	N.J. STAT. ANN. 2C:58-4	L
NM	N.M. Stat. Ann. § 29-19-1 et seq	R
NY	N.Y. Penal Law 400	L
NC	N.C. GEN. STAT. § 14.415.10	R
ND	N.D. CENT. CODE. § 62.1-04	R
OH	OHIO REV. CODE ANN. § 2923.11 et seq	R
OK	OKLA. STAT. ANN. § 1290.1	R
OR	OR. REV. STAT. § 166.291	R
PA	PA. STAT. ANN. 18 § 6101	R

RI	RI GEN LAWS 11-47-11		L
SC	S.C. CODE ANN. 23-31-205		R
SD	S.D. CODIFIED LAWS § 23-7-1 et seq		R
TN	TENN. CODE ANN. § 39-17-1351		R
TX	TEX. CODE ANN. § 411.171		R
UT	UTAH CODE ANN. § 53-5-701		R
VA	VA. CODE ANN. § 18.2-308		R
VT	VT. STAT. ANN. tit. 13 § 4003	Permit not required to carry concealed.	
WA	WASH. REV. CODE § 9.41.070		R
WV	W. VA. CODE § 61-7-4		R
WI	WIS. STAT. ANN. § 941.23	Permit not required to carry openly.	
WY	WYO. STAT. ANN. § 6-8-104		R