

**DECLARATION OF DONALD T. VANDERMYDE**

I, Donald T. Vandermyde, declare as follows:

1. I am currently retired, but engage in consulting work on Second Amendment litigation matters.

2. For 25 years I was the NRA's contract lobbyist in Illinois arguing all types of Second Amendment and firearms issues before the Illinois General Assembly on subjects ranging from federal firearms law, state law, technical aspects of firearms and ammunition.

3. For the past 8 years I had held an 07 type Federal Firearms License (FFL) with a Special Occupation Tax (SOT) allowing for the manufacture, sale and disposal of firearms up to and including firearms covered under the National Firearms Act such as Short Barreled Rifles (SBR), Short Barreled Shotguns (SBS), suppressors and Machineguns. Due to the new laws at issue in this case, I gave up my license this past May.

4. Under our FFL we have disposed of thousands of firearms for law enforcement agencies, where upon completion we provided a record of the disposition including a corrected record of firearms arms received. At times these corrections could be as much as 30% of the inventory taken in. These corrections could be from missing a serial number, to correctly identifying the type of firearm by make and model.

5. I am a veteran of the US Army Reserve with over 18 years of service where I received training and experience with military small arms firearms ranging from .38 caliber revolvers to M2 .50 caliber Browning Machine Guns and 40MM grenade launchers.

6. I have been a subject matter expert consulting for the Madison County states' Attorney under former SA Tom Gibbons dealing with questions of NFA laws and definitions.

7. I have been consulted by numerous law enforcement officials in interpreting Illinois' firearms laws.

8. I have taught classes for Continuing Legal Education credits for the Illinois Bar Association on the subject of Illinois firearms laws.

9. I have taken and completed Counter Vehicle Ambush classes taught by Chicago Police SWAT officer and Special Forces ODA team member Matt Little.

10. I have successfully completed Shoot House Instructor Course by Paul Howe.

11. I have taken and successfully completed Heavy Carbine class by John “Shrek” McPhee.

12. For the past 6 years I have been an instructor for Aurora Sportsman’s Club TASC program.

13. I am a member of Plaintiff Guns Save Life, Gun Owners of America, and Federal Firearms Licensees of Illinois.

14. Like hundreds of thousands or millions of other Illinois residents, I am subject to the new registration requirements of 720 ILCS 5/24-1.9(d) if I desire to keep firearms and firearm-related items I owned prior to the law’s enactment. If not for 720 Ill. Comp. Stat. Ann. 5/24-1.9 and fear of criminal consequences, I would retain possession of my property that may be subject to the law without registering it. The deadline to comply is the end of the year, only about two months away from the date of this declaration.

15. Unfortunately, several portions of the law are quite vague, and those portions were not clarified by the Illinois State Police’s recent Emergency Rules.

16. To begin with, it’s very difficult to know with certainty what is and is not an “assault weapon attachment”. It is defined as “any device capable of being attached to a firearm that is specifically designed for making or converting a firearm into any of the firearms listed in paragraph (1) of this subsection (a).” 720 Ill. Comp. Stat. Ann. 5/24-1.9(a)(3). The problem with that definition is that a lot of the very same items can be used on non-banned firearms. For example, many pump shotguns gave pistol grips or adjustable stocks that, if put on a semiautomatic rifle or shotgun, would turn them into assault weapons. But that does not mean they are designed to convert a firearm into an “assault weapon”, as they can just as easily be used with non-banned firearms. As someone who owns many spare parts that I use for various

firearms, I have no idea whether they need to be registered or not. Nor is it clear how they would be registered, given they do not have serial numbers.

17. The rule fails to offer any guidance or explanation on how I am to deal with common parts that fit, for example, an AR-15, but also fit other guns not covered under the ban and are common.

18. With respect to 50 BMG ammunition, where the law seems to require *each individual round* be registered, even though ammunition does not have serial numbers. It is unclear what I am to do once I fire the ammunition.

19. I also own a Ruger 10/22, a very common firearm used to shoot relatively underpowered .22lr ammunition. However, it is a semiautomatic rifle, and the gun's stock that I use to hold it while firing arguably (but not clearly) meets the definition of a "barrel shroud" because it is a "shroud attached to the barrel or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the non-trigger hand without being burned..." 720 Ill. Comp. Stat. Ann. 5/24-1.9(a)(1)(A)(vi). Unless Illinois intended to ban just about every semiautomatic rifle in existence, then the law is overbroad in its application and thus vague.

20. I also own firearms that may or may not be considered "copies, duplicates, variants, or altered facsimiles" of firearms banned by make and model. Yet the law does not make clear what would be considered such a copy. The recently release Illinois State Police rules do not define what makes an item an "assault weapon attachment". None of the following items are defined as either an attachment or excluded as a non-attachment: a pistol grip or thumbhole stock, any feature capable of functioning as a protruding grip that can be held by the non-trigger hand, a folding, telescoping, thumbhole, or detachable stock, or a stock that is otherwise foldable or adjustable in a manner that operates to reduce the length, size, or any other dimension, or otherwise enhances the concealability of, the weapon, a barrel shroud, a flash suppressor, a grenade launcher or threaded barrel. They offer some pictures in a non-comprehensive guide, but seem to be taking an approach similar to Justice Potter in describing obscenity: "I know it when I

see it”. But that leaves little for individuals like me to discern whether or not to register specific items.

21. Sections 1.9 and 1.10 talk about being able to be changed/modified. None of the statutory terms used “readily modified”, “readily restored” or “readily converted” or “converted” have any real meaning and the statute gives no further guidance to these vague terms. Any product can be converted to another use.

22. Likewise, State Police offer no explanation or definition “readily assembled” when it comes to the possession of parts. While “attachments can be registered, there remains a complete lack of information about parts. Are they contraband per se now? There is no provision to register parts on the State Police website nor clarification in the rule.

23. While magazines do not have to be registered under the Act, magazines holding more than certain number of rounds depending on the firearm are restricted. The rules give no guidance as to how firearms with permanently attached magazines are to be treated when they can be readily converted. I own Remington 870 pump action shotgun that with their factory magazine can be converted to hold more than 10 rounds of ammunition in minutes (less than 5). Since they can be converted, this would prohibit the transfer or sale of the firearm due to the ability of the magazine to be converted except for to an heir, person in another state or FFL to sell out of state.

24. I own semi-automatic shotguns for hunting that also have permanently attached magazines which can be converted within minutes (less than 5), thus making them illegal under Section 1.9 for holding more than 5 rounds. State Police offer no guidance on what a “a fixed magazine” is. When combined with the readily restored or converted language in 1.10, I am even more confused on if I could sell the firearm due to its ability to be converted to hold more than 5 rounds. Does it even need to be registered?

25. Additionally complicating matters surrounding magazines for shotguns, State Police did not clarify what type of ammunition is to be used when calculating a shotguns

capacity as 12 gauge ammunition comes in sizes from 1 ½”, 2 ¾”, 3” and 3 ½”. The type of ammunition used will impact the shotguns capacity.

26. Similarly, some rifle magazines maybe used with different types of ammunition. One example AR-15 magazines. When used with 5.56/.223 ammunition they may hold 30 rounds. When used with .458 socom, that same magazine holds 10 rounds of that ammunition. State Police offer no guidance on how to deal with magazines that can be used with multiple calibers with varying capacity.

I declare under penalty of perjury that the foregoing is true and correct. Executed within the United States on November 13, 2023.

A rectangular box containing a handwritten signature in dark ink. The signature appears to read "Donald T. Vandermyde".

Donald T. Vandermyde  
Declarant