

In the Supreme Court of the United States

TERRENCE TEMPLE, *Petitioner*,

v.

STATE OF ILLINOIS, *Respondent*.

**On Petition for Writ of Certiorari
to the Illinois Appellate Court**

BRIEF IN OPPOSITION

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QUESTION PRESENTED

Whether a state restriction on carrying loaded, unsecured firearms in public parks is facially constitutional under the Second Amendment.

TABLE OF CONTENTS

	Page
QUESTION PRESENTED	i
TABLE OF AUTHORITIES	iii
BRIEF IN OPPOSITION.....	1
STATEMENT.....	2
REASONS FOR DENYING THE PETITION	6
I. There Is No Division Of Authority On The Question Presented.	7
II. This Case Is A Poor Vehicle To Answer the Question Presented.	8
III. The Decision Below Is Consistent With This Court’s Precedents.....	12
A. The prohibition on loaded, accessible firearms in public parks is consistent with longstanding historical tradition.	14
B. Petitioner’s arguments to the contrary are unpersuasive.....	22
CONCLUSION.....	28

TABLE OF AUTHORITIES

	Page(s)
Cases:	
<i>Andrews v. State</i> , 50 Tenn. (3 Heisk.) 165 (1871).....	20
<i>Christian v. James</i> , 176 F.4th 189 (2d Cir. 2026)	7, 8, 11, 14 16, 17, 23
<i>District of Columbia v. Heller</i> , 554 U.S. 570 (2008)	25, 26
<i>Hill v. State</i> , 53 Ga. 472 (1874)	20
<i>Hughes v. Lee</i> , No. 24475, 2025 WL 2498263 (Tenn. Ch. Aug. 21, 2025).....	8
<i>Kipke v. Moore</i> , 165 F.4th 194 (4th Cir. 2026).....	7, 8, 11, 14, 16
<i>Koons v. Att’y Gen. N.J.</i> , 156 F.4th 210 (3d Cir. 2025).....	7
<i>Koons v. Att’y Gen. N.J.</i> , 162 F.4th 100 (3d Cir. 2025).....	7
<i>Moore v. Madigan</i> , 702 F.3d 933 (7th Cir. 2012).....	4, 10
<i>N.Y. State Rifle & Pistol Ass’n, Inc. v. Bruen</i> , 597 U.S. 1 (2022)	2, 5, 8, 12, 13, 17 20, 21, 25, 27
<i>LaFave v. City of Fairfax</i> , 149 F.4th 476 (4th Cir. 2025)	22
<i>Lara v. Comm’r Pa. State Police</i> , 125 F.4th 428 (3rd Cir. 2025)	12
<i>People v. Aguilar</i> , 2 N.E.3d 321 (Ill. 2013).....	5, 10
<i>People v. Bell</i> , 107 N.E.3d 1047 (Ill. App. Ct. 2018)	5
<i>People v. Thompson</i> , 43 N.E.3d 984 (Ill. 2015)	5
<i>People v. Thompson</i> , 279 N.E.3d 126 (Ill. 2025)	4
<i>Schoenthal v. Raoul</i> , 150 F.4th 889 (7th Cir. 2025)	11
<i>Springer v. Grisham</i> , 704 F. Supp. 3d 1206 (D.N.M. 2023)	8
<i>Springer v. Grisham</i> , No. 23-2192, 2025 WL 2793787 (10th Cir. Oct. 1, 2025)	8
<i>United States v. Gomez</i> , 159 F.4th 172 (2d Cir. 2025)	12
<i>United States v. Hemani</i> , 146 S. Ct. 1677 (2026)	13, 24

<i>United States v. Rahimi</i> , 602 U.S. 680 (2024)	2, 5, 9, 13, 18 21, 22, 24, 26
<i>United States v. Salerno</i> , 481 U.S. 739 (1987).....	9, 13
<i>Wolford v. Lopez</i> , 116 F.4th 959 (9th Cir. 2024).....	7, 8, 11, 14 16, 17, 23
<i>Wolford v. Lopez</i> , 146 S. Ct. 2032 (2026)	7, 17, 20, 22, 23

Statutory Authorities:

1889 Ariz. Sess. Laws	19, 25
1870 Ga. Laws 421.....	19, 26
430 ILCS 66/10(c).....	4
430 ILCS 66/65(a)	4, 10
720 ILCS 5/11-9.4-1(a).....	9
720 ILCS 5/24-1 (2010)	4, 10
720 ILCS 5/24-1 (2026)	4, 11
735 ILCS 5/2-1401	5
1883 Mo. Laws 76	19, 25, 26
1890 Okla. Sess. Laws 496	25
1852-53 N.M. Terr. Laws 67.....	19, 26
1868 Pa. Laws 1083	16
1869-70 Tenn. Pub. Acts 23 18.....	19, 26
1870 Tex. Gen. Laws 63.....	19, 25
1786 Va. Acts ch. 49.....	18
Boston. Ma., Park Ordinances § 3 (1887)	16
Brooklyn, N.Y., Park Ordinance No. 1, art 1, § 4 (1867).....	16
Danville, Ill., Rev. Ordinances ch. 29, § 4 (1883)	16, 26

Hyde Park, Ill, South Park Ordinances § 6 (1876).....	16, 26
New Orleans, La., An Ordinance Respecting Public Balls, art. 1 (Oct. 27, 1817).....	19
New Orleans, La., Ordinances tit. 1, art 1 (1879)	19
N.Y.C., Act for the Regulation and Governance of the Central Park (1858).....	16
Phoenixville, Pa.. Ordinance of July 2, 1878.....	16
Reading, Pa., Ordinance of Dec. 30, 1887 (1887).....	16
Saint Louis, Mo., Rev. Ordinances ch. 11, § 3 (1881)	16
Saint Paul, Minn., Rules and Regulations of the Public Parks and Grounds of the City of Saint Paul, § 6 (1888)	16, 17
Salt Lake City, Rev. Ordinances ch. 27, § 6 (1888)	17
S.F., Cal., Park Commissioners Ordinance No. 2 (1872)	16
Other Authorities:	
S. Ct. R. 10	7, 8
<i>The Lawn at the University of Virginia</i> , Am. Planning. Assoc., https://bit.ly/4wFz7EA	19
<i>Annual Reports of the Brooklyn Commissioners 1861-1873</i> (1873)	16
<i>Annual Reports of the City Officers and City Boards of the City of Saint Paul for the Fiscal Year Ending December 31, 1888</i> (1889).....	17
Bos. Landmarks Comm'n, <i>Boston Common: Boston Landmarks Commission Study Report</i> (1977), https://bit.ly/4foNdEk	15, 23
<i>BLS History</i> , Boston Latin Sch., https://bit.ly/44VcAYs	25
<i>Park Ordinances</i> , Buffalo Post, May 15, 1873.....	16
History and Evolution of Public Education in the US, Ctr. on Educ. Pol'y (2020), https://files.eric.ed.gov/fulltext/ED606970.pdf	25

City of Boston Dept. of Parks, <i>Thirteenth Annual Report of the Board of Commissioners for the Year 1887</i> (1888)	16
<i>Afterschool</i> , Champaign Park District, https://bit.ly/4fRnXHx	3
<i>Preschool and Early Childhood</i> , Champaign Park District https://bit.ly/3S0dliQ	3
<i>Facilities</i> , Chicago Park District, https://bit.ly/45rlay2	3
<i>Grant (Ulysses) Park</i> , Chicago Park District, https://bit.ly/3SdhFZ3	15
<i>Night Out in the Parks</i> , Chicago Park District, https://bit.ly/4wZqZia	3
<i>Palmer (Potter) Park</i> , Chicago Park District, https://bit.ly/4xBPcvQ	3, 21
<i>ParkKids Afterschool Program</i> , Chicago Park District, https://bit.ly/4vka1KY	3
Frank Clark, <i>Nineteenth-Century Public Parks from 1830</i> Garden Hist. Summer 1973 (1973)	15, 24
<i>A Collection of the Statutes of England Now in Force in the State of North Carolina</i> (1792)	18
<i>A Digest of the Laws and Ordinances for the Government of the Municipal Corporation of the City of Reading Pennsylvania</i> (Louis Richards ed. 1897)	16
<i>A Digest of the Ordinances of Town Council of the Borough of Phoenixville Together with the Acts of Assembly and Decrees of the Court Especially Relating to Phoenixville</i> (1906)	16
<i>General Digest of the Ordinances and Resolutions of the Corporation of New Orleans</i> 371 (1831)	19

Letter from Thomas Jefferson to the Trustees of the Lottery for East Tennessee College (May 6, 1810)	19
David B. Kopel & Joseph G.S. Greenlee, <i>The “Sensitive Places” Doctrine: Locational Limits on the Right to Bear Arms</i> , 13 Charleston L. Rev. 205 (2018)	25
<i>Laws and Ordinances Governing the City of Chicago</i> (Murray F. Tuley ed. 1873)	16
<i>Laws and Regulations of the College of William & Mary</i> (1830)	19
<i>Laws of the University of North Carolina</i> (1799)	18, 20
<i>The Minutes of the Senatus Academicus 1799-1842</i> (Univ. Ga. Libraries 1976)	18, 19, 20
<i>Park</i> , Noah Webster’s <i>Am. Dictionary of the English Language</i> (1828)	15
<i>Park</i> , Noah Webster’s <i>Am. Dictionary of the English Language</i> (1865)	16
Frederick Law Olmsted, <i>A Consideration of the Justifying Value of a Public Park</i> (1880)	15
<i>Facilities</i> , Peoria Park District, https://bit.ly/4gY4TrD	3
<i>PPD Signature Events</i> , Peoria Park District, https://bit.ly/4yBXN2e	3
<i>Youth Programs</i> , Peoria Park District, https://bit.ly/4eztmAB	3
<i>The Revised Ordinance of the City of St. Louis Together with the Constitution of the United States, Constitution of the State of Missouri, the Scheme for the Separation of the Governments of the City and County of St. Louis, the Charter of the City, and a Digest of the laws Applicable to the City</i> (M. J. Sullivan rev. 1881)	16
Roy Rosenzweig & Elizabeth Blackmar, <i>The Park and the People: A History of Central Park</i> (1992)	15

Nadav Shoked, <i>Property Law's Search for a Public</i> , 97 Wash. U. L. Rev. 1517 (2020)	15
<i>The Earliest New York City Parks</i> , N.Y. City Dept. of Parks and Recreation, https://bit.ly/45r6lf0	23
<i>Early Childhood</i> , Springfield Park District, https://bit.ly/4oTgRVv	3
<i>Springfield Park District Facilities and Rentals</i> , Springfield Park District, https://bit.ly/44Pflk	3
<i>Preschool in the Park</i> , Springfield Park District https://bit.ly/4uGEx0g	3
<i>University of Virginia Board of Visitors Minutes</i> (October 4-5, 1824)	19

BRIEF IN OPPOSITION

In 2010, when petitioner was 17 years old, he brought a semi-automatic pistol into a public park in Chicago. In exchange for the dismissal of other charges against him, he pled guilty in state court to the offense of unlawfully possessing a loaded and immediately accessible firearm in a public park. Over a decade later, petitioner filed a motion seeking to unwind that plea deal on the basis that the Illinois statute under which he was convicted is facially unconstitutional under the Second Amendment. The state appellate court rightly rejected petitioner's argument upon concluding that the Illinois law prohibiting carriage in public parks in effect in 2010 was not facially unconstitutional.

This decision is an unsuitable candidate for this Court's review. To begin, petitioner does not — and cannot — identify any relevant division of authority on the question whether laws prohibiting carriage in public parks comply with the Second Amendment. Instead, the decision below is consistent with decisions of each of the three federal courts of appeals that have addressed challenges to laws restricting firearms in public parks. Furthermore, the state appellate court's decision is an unusually poor vehicle to address the constitutionality of restrictions on firearms in parks: petitioner's case is necessarily limited to a facial challenge given the nature of the motion he filed in state court challenging his conviction, the statute petitioner challenges is neither presently in force in Illinois nor typical of the laws challenged in other cases dealing with firearm restrictions in parks, and, in addition, petitioner was a minor at the time of his offense. These idiosyncrasies would likely result in a

resolution that is inapplicable to other statutory schemes, whether that be the current Illinois regime or those in other States.

Moreover, the decision below does not conflict with any of this Court’s decisions. On the contrary, the state appellate court carefully adhered to the standard set forth for reviewing facial challenges to firearm restrictions in *New York State Rifle & Pistol Association, Inc. v. Bruen*, 597 U.S. 1 (2022), and *United States v. Rahimi*, 602 U.S. 680 (2024). In particular, the court appropriately determined that Illinois’s prohibition on carrying loaded and immediately accessible firearms in public parks is consistent with the Nation’s historical tradition of regulating firearms in several respects, including with the directly analogous laws restricting firearms in public parks that have been imposed since the inception of the modern parks movement. And those laws are, themselves, part of a broader historical tradition of banning firearms in places reserved for social, recreational, and leisure activities, as well as the “settled” tradition of prohibiting firearms in schools. *Bruen*, 597 U.S. at 30. At the very least, petitioner’s facial challenge must fail because the prohibition as applied to specific types of parks, including the one at issue in this case, is consistent with established historical prohibitions in sensitive places.

For these reasons, this Court should deny the petition.

STATEMENT

1. Public parks in Illinois are varied and serve a multitude of functions. For instance, many Illinois parks include spaces and programs specifically designed for children, such as afterschool programs, nature discovery programs, art programs,

science programs, scouting programs, summer camps, youth clubs, and sporting events.¹ And some include day cares or preschools.² Illinois public parks also provide free and low-cost fitness and athletic facilities; opportunities to engage in arts, crafts, or games; and city-sponsored social and cultural events.³

2. In 2010, petitioner pled guilty to carrying a loaded and immediately accessible firearm in Palmer Park, a public park in Chicago, Illinois. C38, 51.⁴ Palmer Park occupies several square blocks on the south side of Chicago, and incorporates a number of recreational facilities, including sports fields, a pool, and a playground.⁵ These facilities are used to host children’s afterschool programs, day camps, youth

¹ See, e.g., *Afterschool*, Champaign Park District, <https://bit.ly/4fRnXHx>; *ParkKids Afterschool Program*, Chicago Park District, <https://bit.ly/4vka1KY>; *Youth Programs*, Peoria Park District, <https://bit.ly/4eztmAB>; *Early Childhood*, Springfield Park District, <https://bit.ly/4oTgRVv>. All websites last visited August 6, 2026.

² See, e.g., *Preschool and Early Childhood*, Champaign Park District, <https://bit.ly/3SOdliQ>; *Preschool in the Park*, Springfield Park District, <https://bit.ly/4uGEx0g>.

³ See, e.g., *Facilities*, Chicago Park District, <https://bit.ly/45rlay2>; *Night Out in the Parks*, Chicago Park District, <https://bit.ly/4wZqZia>; *Facilities*, Peoria Park District, <https://bit.ly/4gY4TrD>; *PPD Signature Events*, Peoria Park District, <https://bit.ly/4yBXN2e>; *Springfield Park District Facilities and Rentals*, Springfield Park District, <https://bit.ly/44PflKj>.

⁴ “C” refers to the common law record on appeal before the state appellate court, and “R” refers to the report of proceedings. At one point in petitioner’s plea hearing, the state trial court appears to have mistakenly stated the location of the offense as “Emerald Park.” R6. However, all of the charging documents list the location of petitioner’s offense as Palmer Park. C15-18, 36-46. Petitioner eventually pled guilty to Count 1 of the information, which specifically charged him with committing his offense “in a public park, to wit: Palmer Park.” C38, 51. And the arrest report, which the trial judge reviewed prior to concluding that there was a sufficient factual basis for petitioner’s guilty plea, stated the location of the offense as Palmer Park. C21; R10.

⁵ *Palmer (Potter) Park*, Chicago Park District, <https://bit.ly/4xBPcvQ>.

sporting events, and family activities.⁶ At the time of petitioner’s offense, he was 17 years old and did not have a license to own — much less publicly carry — a firearm. C19.

3. Illinois law, at the time, generally prohibited the public carriage of firearms, subject to certain exceptions. 720 ILCS 5/24-1(a)(10) (2010). Carrying in specified locations, including public parks, was a Class 3 felony. *Id.* § 24-1(c)(1.5).

In 2012, the Seventh Circuit held that Illinois’s broad prohibition on public carry violated the Second Amendment. *Moore v. Madigan*, 702 F.3d 933, 942 (7th Cir. 2012). In response, the Illinois General Assembly enacted the Firearm Concealed Carry Act (“Act”) — which permits concealed carry under most circumstances, provided that an individual first obtains a license — and modified the Illinois Criminal Code to permit carriage that comports with the Act. 430 ILCS 66/10(c); 720 ILCS 5/24-1(a)(10)(iv). However, the Act does not extend the licensee’s permission to carry into certain enumerated areas, including public parks. 430 ILCS 66/65(a). In those places, individuals may transport their firearms, provided that they are broken down, nonfunctioning, not immediately accessible, or unloaded and enclosed in a case. 720 ILCS 5/24-1(a)(10). But they may not carry loaded, immediately accessible firearms. *Ibid.*; *People v. Thompson*, 279 N.E.3d 126, 130 (Ill. 2025). As relevant here, doing so in a public park is still a Class 3 felony. 720 ILCS § 24-1(c)(1.5).

⁶ *Ibid.*

Following the passage of the Act and the associated changes to the Criminal Code, Illinois courts followed the Seventh Circuit in holding that the previous iteration of the Code violated the Second Amendment. *E.g., People v. Aguilar*, 2 N.E.3d 321, 327-328 (Ill. 2013). Where, however, individuals had been convicted under the prior iteration of the Code of possessing a firearm in a public park, Illinois courts held that the convictions would stand. *E.g., People v. Bell*, 107 N.E.3d 1047, 1057 (Ill. App. Ct. 2018).

4. In 2023, petitioner filed a motion for relief from his 2010 judgment of conviction under 735 ILCS 5/2-1401. Pet. App. 2. Under Illinois law, such motions allow criminal defendants to challenge void convictions, which include convictions based on facially unconstitutional statutes. *People v. Thompson*, 43 N.E.3d 984, 990 (Ill. 2015). Petitioner alleged that his conviction was void because the 2010 prohibition on possessing a loaded and immediately accessible firearm in a public park was facially unconstitutional. Pet. App. 4. The state trial court denied the motion. *Id.* at 3.

The state appellate court affirmed after applying the two-step test set forth in *Bruen* and *Rahimi*. *Id.* at 6-17. The parties agreed that, at the first step, the plain text of the Second Amendment covered the regulated conduct. *Id.* at 13. The State defended the challenged statute at the second step, and the court agreed that there was a robust historical tradition of prohibiting firearms in parks and that this tradition was analogous to the Illinois restriction at issue. *Id.* at 13-15.

In particular, the court explained, “[r]egulations of guns in public parks have been in place, without question or challenge, since modern public parks came into being.” *Id.* at 13. Additionally, “public parks are analogous to schools, which the United States Supreme Court has recognized as the kind of sensitive place where gun regulation is constitutional.” *Ibid.* All told, the court “agree[d] with the Ninth Circuit, the Second Circuit, and the several district courts that have held that regulations on firearms in public parks are consistent with the nation’s historical tradition.” *Id.* at 15 (collecting cases).

REASONS FOR DENYING THE PETITION

The petition should be denied. Petitioner cannot and does not claim that there is any relevant division of authority on the question presented. On the contrary, no state court of last resort has decided the question, and every federal court of appeals to have addressed it has reached the same conclusion: prohibiting firearms in public parks does not offend the Second Amendment. Nor does the petition present a suitable vehicle to resolve the constitutionality of restrictions on firearms in public parks. Instead, the petition seeks review of a facial challenge to a statute that, as even petitioner appears to concede, has constitutional applications, has not been in effect for over a decade, is narrower than other States’ prohibitions on carriage in public parks, and was applied to a minor in this case.

Moreover, the state appellate court’s analysis was consistent with this Court’s precedents. The court correctly concluded that laws prohibiting firearms in parks have been widespread and uncontroversial since the inception of the modern parks

movement. And these historical bans are part of even longer historical traditions of prohibiting firearms in places reserved for social, recreational, and leisure activities and in schools. And, at a minimum, petitioner's facial claim fails because applying the restriction to a subset of the parks in Illinois, including the park at issue here, is consistent with these historical traditions.

I. There Is No Division Of Authority On The Question Presented.

At the threshold, this case does not satisfy Rule 10 because petitioner does not identify any relevant division of authority on the question presented. See S. Ct. R. 10; Pet. 15-18 (failing to identify any pertinent authority). Nor could he. No state court of last resort has decided the question, and the three federal courts of appeals that have addressed it have reached the same conclusion as the state appellate court here: statutes restricting firearm carriage in public parks are constitutional under the Second Amendment. See *Christian v. James*, 176 F.4th 189, 202-206 (2d Cir. 2026) (New York law); *Kipke v. Moore*, 165 F.4th 194, 214-216 (4th Cir. 2026) (Maryland law), *petition for cert. filed*, No. 1206; *Wolford v. Lopez*, 116 F.4th 959, 982-985 (9th Cir. 2024) (Hawai'i law), *rev'd on other grounds* 146 S. Ct. 2032.⁷

The reasoning in each of the federal circuit court decisions, too, is consistent with the lower court's decision here. As detailed further below, *infra* pp. 14-18, each

⁷ A panel of the Third Circuit similarly held that a New Jersey statute prohibiting firearm carriage in public parks was likely constitutional. *Koons v. Att'y Gen. N.J.*, 156 F.4th 210, 256-259 (3d Cir. 2025). That decision was vacated, however, when the court granted *en banc* review of the appeal, which also involves challenges to numerous other New Jersey firearm laws. *Koons v. Att'y Gen. N.J.*, 162 F.4th 100 (3d Cir. 2025) (mem.).

court determined that the challenged restriction on carriage in public parks was consistent with the Nation’s historical tradition of regulating firearms, citing the long history of localities restricting firearms in public parks as soon as parks were developed in the mid-nineteenth century. *Christian*, 176 F.4th at 204-205; *Kipke*, 165 F.4th at 214-215; *Wolford*, 116 F.4th at 982-983.

Petitioner, however, claims that “a few courts” have “followed *Bruen*” to hold that prohibitions on firearm carriage in public parks violate the Second Amendment. Pet. 15-17. But none of these cases were decided by federal courts of appeals or state courts of last resort. For instance, *Springer v. Grisham*, 704 F. Supp. 3d 1206 (D.N.M. 2023), was a district court decision that the Tenth Circuit did not review on the merits upon concluding that the plaintiff lacked standing. *Springer v. Grisham*, No. 23-2192, 2025 WL 2793787, *3 (10th Cir. Oct. 1, 2025). Likewise, petitioner cites *Hughes v. Lee*, No. 24475, 2025 WL 2498263 (Tenn. Ch. Aug. 21, 2025), which is a Tennessee trial court decision.

In short, all federal courts of appeals that have considered the issue have found ample historical support for laws restricting firearms in public parks, and no state court of last resort has addressed the question. There is thus no division of authority warranting review here. See S. Ct. R. 10.

II. This Case Is A Poor Vehicle To Answer the Question Presented.

Even if this case otherwise satisfied the Rule 10 criteria (and it does not), certiorari should be denied because the case is a poor vehicle for the Court to decide the permissibility of firearm restrictions in public parks for several reasons.

First, this case cannot provide the clarity that petitioner seeks on the question presented — specifically, he seeks “to clarify that the category of sensitive places is not so broad as to include all public parks.” Pet. 7. As explained, *supra* p. 5, petitioner’s entire case, by its very nature, is limited to a facial claim of unconstitutionality. Accordingly, the question presented here is not whether the State has regulated in an overbroad manner; rather, it is whether there are any constitutional applications of the statute restricting loaded, accessible firearms in public parks. See *United States v. Salerno*, 481 U.S. 739, 745 (1987).⁸ And under that framework, as this Court recently explained, the State need only identify a single, constitutional application of a firearm restriction to prevail against a facial challenge. See *Rahimi*, 602 U.S. at 693 (citing *Salerno*, 481 U.S. at 745).

As detailed further below, see *infra* pp. 21-22, the State has satisfied that requirement, a fact that petitioner does not appear to seriously contest. On the contrary, petitioner consistently suggests that the problem with the Illinois restriction is that it covers too many types of parks, and not that any restriction on any park would be unconstitutional. See, e.g., Pet. 7 (arguing that the “category of sensitive places is not so broad as to include all public parks”); *id.* at 8 (focusing on parks that

⁸ As part of this argument, petitioner wrongly relies on the definition of “parks” that is reserved for the section of the Criminal Code that addresses sexual predators loitering in the presence of children. Pet. 8; see also 720 ILCS 5/11-9.4-1(a) (cabining its definitions to a single section of the Code). But even if this were correct, petitioner’s argument would still fail because, as explained, *infra* p. 21-22, there are constitutional applications of Illinois’s restriction on carriage in public parks that fall within that definition.

are “used for myriad reasons beyond gatherings”); *id.* at 13-14 (historical tradition supporting restrictions on parks that host public assemblies “should not justify the whole”). And these apparent concessions only confirm that petitioner cannot succeed on the sole claim he raised: a facial challenge to the restriction under the Second Amendment.

Second, the Illinois statute that petitioner asks this Court to review is one that is no longer in effect and has not been so for over a decade. *Id.* at 19. Indeed, the version of the Criminal Code under which petitioner was convicted included a sweeping ban on public carriage, with heightened penalties for carriage in public parks and similar locations. 720 ILCS 5/24-1(a)(10) (2010). That broad ban was determined to be unconstitutional. *Aguilar*, 2 N.E.3d at 327-328; *Moore*, 702 F.3d at 942. By contrast, Illinois now operates under a shall-issue licensing regime that allows concealed carriage of firearms in public, with enumerated exceptions for specified locations, including public parks. 430 ILCS 66/65. Accordingly, petitioner’s request for certiorari asks this Court to decide whether a law that has subsequently undergone substantial and material modifications was constitutional in its original form, providing another reason why this case is a uniquely poor vehicle to decide the permissibility of restricting firearms in public parks.⁹

⁹ Petitioner asserts that the broader 2010 statutory regime could be reimposed. Besides being speculative, that position is unfounded. Because both the Seventh Circuit and the Illinois Supreme Court have already held that the 2010 statutory regime is unconstitutional, any attempt to reimpose it would not be enforced by either state or federal courts. See *Aguilar*, 2 N.E.3d at 328; *Moore*, 702 F.3d at 942.

Third, even if the current version of the Illinois restriction were at issue in this case (and it is not), that restriction differs in a meaningful way from other state laws prohibiting the carriage of firearms in public parks. For example, the laws considered by the Second, Fourth, and Ninth Circuits all impose categorical bans on firearms in public parks. See *Christian*, 176 F.4th at 202 (analyzing a New York law criminalizing any carriage in public parks); *Kipke*, 165 F.4th at 214 (similar for Maryland); *Wolford*, 116 F.4th at 971 (Hawaii law prohibits firearms in parks regardless of “whether the firearm is operable or not” and whether it is “loaded or unloaded”). The restriction in Illinois, by contrast, allows individuals to possess firearms in parks if they are broken down, non-functioning, not immediately accessible, or unloaded and enclosed in a case. 720 ILCS 5/24-1(a)(10).

In other words, individuals in Illinois may still transport their firearms through parks, which facilitates lawful concealed carry both before entering the park and after leaving it. As several circuits have explained, these kinds of permissions “decrease[] the burden on Second Amendment rights” associated with location-based restrictions. *Schoenthal v. Raoul*, 150 F.4th 889, 915 (7th Cir. 2025); see also, *e.g.*, *Wolford*, 116 F.4th at 1001-1002. That is because, unlike in circumstances where firearms are altogether banned from specified areas, individuals in Illinois need not choose whether to avoid those places or leave their firearms at home. *Schoenthal*, 150 F.4th at 915. Given this distinction, this Court’s review of the decision below would not necessarily address the same question presented in other jurisdictions concerning the permissibility of firearm prohibitions in public parks.

Finally, petitioner was under 18 when he committed the crime at issue. C19. As this Court has recognized, not all individuals within the United States possess Second Amendment rights. *Bruen*, 597 U.S. at 32 (looking to whether the plaintiffs were part of “the people” whom the Second Amendment protects). And although the Court has not expounded on the precise contours of “the people” for purposes of the Second Amendment, it has suggested the group might consist exclusively of adults, and several circuits have held as much. See, e.g., *Bruen*, 597 U.S. at 15, 32 (repeatedly noting that the petitioners were “law abiding, adult, citizens” when finding that they were part of “the people” referenced in the Second Amendment); *United States v. Gomez*, 159 F.4th 172, 176 (2d Cir. 2025), *cert. denied* 146 S. Ct. 1835 (2026) (equating “the people” with “ordinary, law-abiding, adult citizens”); *Lara v. Comm’r Pa. State Police*, 125 F.4th 428, 435 (3rd Cir. 2025), *cert. denied* 2026 WL 1871315 (2026) (Second Amendment “covers all adult Americans”). As a result, resolving the question presented in petitioner’s favor would not necessarily entitle him to relief from his conviction, contrary to his suggestion. See Pet. 26.

For at least four reasons, therefore, this case is a poor vehicle to decide the constitutionality of restrictions on firearms in public parks.

III. The Decision Below Is Consistent With This Court’s Precedents.

If the case’s unsuitability for this Court’s review could be put to one side, certiorari should still be denied because the state appellate court correctly applied this Court’s precedents. In *Bruen*, the Court established a two-step, text-and-history framework for analyzing the constitutionality of a firearm restriction. 597 U.S. at 24.

Because there is no dispute that the plain text is implicated here, the sole question is whether Illinois’s prohibition against carrying loaded, readily accessible firearms in public parks is consistent with historical tradition.

Evaluating a regulation’s consistency with historical tradition requires deciding whether the challenged measure and a proposed historical analogue are “relevantly similar.” *Id.* at 28-29. That, in turn, is determined by examining “whether modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified.” *Id.* at 29. In other words, the court must assess “whether the challenged regulation is consistent with the principles that underpin our regulatory tradition.” *United States v. Hemani*, 146 S. Ct. 1677, 1686 (2026). One such principle is that States may restrict access to firearms in locations like courthouses, government buildings, legislative assemblies, polling places, schools, and other “analogous sensitive places.” *Bruen*, 597 U.S. at 30.

In addition, because petitioner brought only a facial challenge to the Illinois statute that was the basis for his conviction, he must “establish that no set of circumstances exists under which [the challenged restriction] would be constitutional.” *Rahimi*, 602 U.S. at 693 (quoting *Salerno*, 481 U.S. at 745). This is the “most difficult challenge to mount successfully” because the State need only identify a single constitutional application to defeat it. *Ibid.* (quoting *Salerno*, 481 U.S. at 745).

The state appellate court’s decision upholding Illinois’s restriction on carrying loaded and immediately accessible firearms in public parks against petitioner’s facial

challenge faithfully applied these standards and is fully consistent with this Court's precedents.

A. The prohibition on loaded, accessible firearms in public parks is consistent with longstanding historical tradition.

The state appellate court correctly concluded that Illinois's restriction on carrying loaded, accessible firearms into public parks is consistent with the longstanding historical tradition of prohibiting firearms in public parks. Furthermore, the restriction comports with two broader traditions of firearm regulation: prohibiting firearms in places reserved for social, recreational, and leisure activities and prohibiting firearms in schools. At the very least, petitioner's facial challenge cannot succeed because applying the restriction to a subset of parks in Illinois, including the park at issue here, is consistent with these historical traditions.

1. To start, the Illinois statute is directly analogous to similar historical restrictions on carriage in public parks. Indeed, as soon as the public parks movement began in the mid-nineteenth century, States and cities restricted firearms in them to preserve their recreational purpose.

As the lower court here and every federal court of appeals to consider the issue has correctly explained, the modern public park was a creation of the mid-nineteenth century. Pet. App. 14; *Christian*, 176 F.4th at 204-205; *Kipke*, 165 F.4th at 214-215; *Wolford*, 116 F.4th at 982-983. Before this time, while some people did engage in recreational activities in public greenspaces, those spaces were primarily utilitarian in design and usage; they were used for grazing livestock, military drills, gathering

fuel, and public assemblies, including executions.¹⁰ Recreation generally occurred on non-public lands and was thus reserved for the wealthy, who had access to private, enclosed areas that they referred to as “parks.”¹¹

Beginning in the 1830s, amid concerns about urban violence, public parks were proposed as a public health measure in industrial cities and towns to create a place for recreation and fresh air.¹² By the mid-nineteenth century, spaces that were once public greens were set aside and transformed specifically for the purpose of leisure, recreation, and reflection.¹³ This shift happened rapidly. For example, when Central Park was built in the 1850s, there was still substantial debate as to the utility and purpose of public parks.¹⁴ But by 1865, a new definition of “park” had been added to

¹⁰ See, e.g., Nadav Shoked, *Property Law’s Search for a Public*, 97 Wash. U. L. Rev. 1517, 1556 (2020); Roy Rosenzweig & Elizabeth Blackmar, *The Park and the People: A History of Central Park* 4 (1992).

¹¹ Rosenzweig & Blackmar, *supra* note 10 at 3-4; see also *Park*, Noah Webster’s *Am. Dictionary of the English Language* (1828) (defining “park” as “A large piece of ground inclosed and privileged for wild beasts of chase, in England, by the king’s grant or by prescription. To constitute a park three things are required; a royal grant or license; inclosure by pales, a wall or hedge; and beasts of chase, as deer, etc.”).

¹² Frank Clark, *Nineteenth-Century Public Parks from 1830*, *Garden Hist.* Summer 1973, at 31, 31-33 (1973).

¹³ Shoked, *supra* note 10, at 1557; see also Bos. Landmarks Comm’n, *Boston Common: Boston Landmarks Commission Study Report* 19 (1977), <https://bit.ly/4foNdEk> (“The Common thus became a park” in the mid nineteenth century when grazing was prohibited and the space was relandscaped with planned greenery and sculptures); *Grant (Ulysses) Park*, Chicago Park District, <https://bit.ly/3SdhFZ3> (describing citizen requests for public greenspace in 1835 as “foresighted” and noting that Grant Park was not termed a “park” until 1847).

¹⁴ Frederick Law Olmsted, *A Consideration of the Justifying Value of a Public Park* 1 (1880) (describing legislative and theoretical battles over how decorative parks should be versus how wild in order to promote recreation).

Webster's Dictionary: "A piece of ground, within a city or town, inclosed and kept for ornament or recreation." *Park*, Noah Webster's *Am. Dictionary of the English Language* (1865).

From the beginning, States and localities imposed restrictions on firearms in public parks in order to preserve their peaceful and recreational nature. *Christian*, 176 F.4th at 204-205; *Kipke*, 165 F.4th at 214-215; *Wolford*, 116 F.4th at 982-983. For instance, New York banned firearms in Central Park, one of the first modern parks, upon its construction in 1858.¹⁵ And as parks proliferated, so did restrictions on firearms within their boundaries. See, e.g., *Christian*, 176 F.4th at 202 (citing laws from 1858 through the early twentieth century).¹⁶ Furthermore, as several

¹⁵ N.Y.C., Act for the Regulation and Governance of the Central Park (1858).

¹⁶ See also Brooklyn, N.Y., Park Ordinance No. 1, art 1, § 4 (1867), reprinted in *Annual Reports of the Brooklyn Park Commissioners 1861-1873*, 136 (1873); A Supplement to An Act Entitled "An Act Appropriating Ground for Public Purposes in the City of Philadelphia," Act No. 1020, 1868 Pa. Laws 1083, § 21; S.F., Cal., Park Commissioners Ordinance No. 2 (1872); *Laws and Ordinances Governing the City of Chicago*, ch. 31, § 6 (Murray F. Tuley ed. 1873); *Park Ordinances*, Buffalo Post, May 15, 1873 at 4; Hyde Park, Ill, South Park Ordinances § 6 (1876); Phoenixville, Pa., Ordinance of July 2, 1878, reprinted in *A Digest of the Ordinances of Town Council of the Borough of Phoenixville Together with the Acts of Assembly and Decrees of the Court Especially Relating to Phoenixville*, 135 (1906); Saint Louis, Mo., Rev. Ordinances ch. 11, § 3 (1881), reprinted in *The Revised Ordinance of the City of St. Louis Together with the Constitution of the United States, Constitution of the State of Missouri the Scheme for the Separation of the Governments of the City and County of St. Louis, the Charter of the City, and a Digest of the laws Applicable to the City* 635 (M. J. Sullivan rev. 1881); Danville, Ill., Rev. Ordinances ch. 29, § 4 (1883); Boston, Ma., Park Ordinances § 3 (1887), reprinted in *City of Boston Dept. of Parks, Thirteenth Annual Report of the Board of Commissioners for the Year 1887*, 86 (1888); Reading, Pa., Ordinance of Dec. 30, 1887 (1887), reprinted in *A Digest of the Laws and Ordinances for the Government of the Municipal Corporation of the City of Reading Pennsylvania* 239 (Louis Richards ed. 1897); Saint Paul, Minn., Rules and Regulations of the Public Parks and Grounds of the City of Saint Paul, § 6 (1888),

courts have noted, including the lower court here, there is no evidence that these restrictions were challenged as unconstitutional — let alone successfully challenged — at the time of their passage. Pet. App. 15; *Christian*, 176 F.4th at 205; *Wolford*, 116 F.4th at 983. On the contrary, as these courts recognized, there is a robust historical tradition of restricting firearms in public parks. Pet. App. 15; *Christian*, 176 F.4th at 205; *Wolford*, 116 F.4th at 983. And the fact that this tradition was open, widespread, and unchallenged, is further evidence of its probative value. See *Wolford v. Lopez*, 146 S. Ct. 2032, 2044 (2026).

The law at issue here, which restricts individuals from carrying loaded, accessible firearms in public parks, is “relevantly similar” to this historical tradition. See *Bruen*, 597 U.S. at 28-29. Again, the second step of the *Bruen* test asks whether the “modern and historical regulations impose a comparable burden on the right of armed self-defense and whether that burden is comparably justified.” *Id.* at 29. Under this step, “the ‘how’ and ‘why’ of the historical analogue and modern regulation must be close enough to enable a court to say: Because this historical law was understood to be compatible with the right codified by the Second Amendment, we can infer that the restriction imposed by the modern law is likewise consistent with that right.” *Wolford*, 146 S. Ct. at 2044 (cleaned up). Here, the purpose of the historical re-

reprinted in *Annual Reports of the City Officers and City Boards of the City of Saint Paul for the Fiscal Year Ending December 31, 1888*, 689 (1889); Salt Lake City, Rev. Ordinances ch. 27, § 6 (1888).

strictions — preserving the tranquility and safety of parks for recreational and leisure use — tracks the justification for the Illinois restriction. And the operation of these historical laws — banning all firearms in parks — has carried over to their modern-day counterparts. In fact, as explained, *supra* p. 11, the current Illinois statute is less burdensome on the right to self-defense than many other laws, both historical and modern, because it restricts only loaded and accessible firearms, thereby allowing individuals to transport unloaded firearms through parks for use in other locations.

2. The laws banning firearms in public parks that proliferated in the latter half of the nineteenth century were, themselves, part of a longer standing historical tradition of banning firearms in places specifically reserved for social, recreational, and leisure activities. There are many examples of this tradition, which began at the Founding and continued during and past Reconstruction. For instance, both Virginia and North Carolina prohibited “going armed” in fairs or markets shortly after the Founding.¹⁷ As this Court has recognized, these statutes assumed that that act of arming oneself could “terrify the good people of the land,” “disrupt the public order,” and lead to actual violence. *Rahimi*, 602 U.S. at 697.

Shortly thereafter, States also began banning firearms on public college campuses, a trend that carried through the antebellum period.¹⁸ One of these bans was

¹⁷ 1786 Va. Acts ch. 49; *A Collection of the Statutes of England Now in Force in the State of North Carolina* 60-61 (1792).

¹⁸ *Laws of the University of North Carolina* § 4 no. 8 (1799); *The Minutes of the Senatus Academicus 1799-1842*, at 86 (Univ. Ga. Libraries 1976) (setting forth the

imposed at the University of Virginia at a time when both Thomas Jefferson and James Madison were on the university's governing body.¹⁹ The ban, moreover, covered the Lawn on campus, which is an open square with grass and trees that took on many of the attributes of a modern park.²⁰ Indeed, the Lawn was designed by Jefferson to create a recreational space for students and to create natural socialization between students and faculty.²¹ Consistent with this longstanding tradition, municipalities also enacted ordinances prohibiting firearms in social gathering places beginning in the early antebellum period.²² These laws proliferated and became commonplace during Reconstruction.²³

University of Georgia's 1810 ban); *University of Virginia Board of Visitors Minutes* 6-7 (October 4-5, 1824); *Laws and Regulations of the College of William & Mary* 19 (1830).

¹⁹ *University of Virginia Board of Visitors Minutes*, *supra* note 18 at 1.

²⁰ Letter from Thomas Jefferson to the Trustees of the Lottery for East Tennessee College (May 6, 1810).

²¹ *The Lawn at the University of Virginia*, Am. Planning. Assoc., <https://bit.ly/4wFz7EA>.

²² See, e.g. New Orleans, La., An Ordinance Respecting Public Balls, art. 1 (Oct. 27, 1817), reprinted in *General Digest of the Ordinances and Resolutions of the Corporation of New Orleans* 371, 371 (1831).

²³ See 1852-53 N.M. Terr. Laws 67 (banning firearms at balls and fandangos); 1869-70 Tenn. Pub. Acts 23, § 2 (banning pistols and other weapons from any "fair, race course or other public assembly of the people"); 1870 Ga. Laws 421 (banning firearms from public gatherings); 1870 Tex. Gen. Laws 63, § 1 (banning guns or pistols in any "place where persons are assembled for educational, literary or scientific purposes, or into a ball room, social party or other social gathering composed of ladies and gentlemen, . . . or any other public assembly"); New Orleans, La., Ordinances tit. 1, art 1 (1879) (banning firearms in theaters, public halls, taverns pic-nic grounds and other places of public amusement); 1883 Mo. Laws 76 (banning firearms where people are gathered for educational, literary, or social purposes); 1889 Ariz. Sess. Laws 17 (banning firearms in "any church or religious assembly, any school room, or other place where persons are assembled for amusement or for educational or scientific

Restrictions on public carriage in places designated for social, recreational, and leisure activities, like the parks restrictions, were widely accepted, and, when challenged, found constitutional. See *Wolford*, 146 S. Ct. at 2044 (“in considering the probative value of a historical analogue, we must consider whether it was widespread, well-known, and widely accepted”).²⁴ They also mirror the purpose and operation of the Illinois statute and are, thus, “relevantly similar.” *Bruen*, 597 U.S. at 28-29. As to purpose, the laws were intended to preserve the character of the spaces by preventing disturbances.²⁵ And as for operation, historical legislatures used the same method as the Illinois law to protect these spaces: they restricted the carriage of firearms. Here, too, the Illinois statute is less burdensome than its precursors because it allows individuals to transport unloaded and inaccessible firearms through public parks rather than banning firearms entirely.

purposes, or in[] any circus, show or public exhibition of any kind, or in[] a ball room, social party or social gathering”).

²⁴ See, e.g., *Andrews v. State*, 50 Tenn. (3 Heisk.) 165, 182 (1871) (“Therefore, a man may well be prohibited from carrying his arms to church, or other public assemblage, as the carrying them to such places is not an appropriate use of them, nor necessary in order to his familiarity with them, and his training and efficiency in their use”); *Hill v. State*, 53 Ga. 472, 475 (1874) (“The practice of carrying arms at courts, elections and places of worship, etc., is a thing so improper in itself, so shocking to all sense of propriety, so wholly useless and full of evil, that it would be strange if the framers of the constitution have used words broad enough to give it a constitutional guarantee.”).

²⁵ See, e.g., *University of North Carolina*, *supra* note 18, at § 4 no. 5-9; *Senatus Academicus*, *supra* note 18, at 84-86.

3. Finally, as the lower court correctly concluded, Pet. App. 13, the restriction on firearms in public parks is analogous to the “settled” historical tradition of prohibiting firearms in schools, *Bruen*, 597 U.S. at 30. As explained, *supra* pp. 2-3, many parks in Illinois offer programs similar to those in schools, including the park where petitioner possessed his firearm.²⁶ In fact, many parks departments oversee preschools and host other programs affiliated with schools in their parks, such as afterschool programs, educational programs, and camps.²⁷

The purpose for the longstanding historical prohibitions on firearms in schools — the need to keep children safe — applies with equal force to parks hosting large groups of children for camps or afterschool programing. And governments have responded in the same way: by restricting firearms in these spaces. Thus, because the burden on the right to bear arms imposed by restricting firearms in parks hosting these programs is imposed for the same reason and in the same way as the burden imposed by restrictions on firearms on schools, it is equally permissible. *Rahimi*, 602 U.S. at 692; *Bruen*, 597 U.S. at 29-30.

4. At the very least, there are specific examples of parks in Illinois that are analogous to the historical traditions just discussed and thus constitute constitutional applications of the Illinois restriction on carrying loaded, readily accessible firearms. The existence of these circumstances under which the Illinois law would be constitutional defeats petitioner’s facial challenge. See *Rahimi*, 602 U.S. at 693. For

²⁶ *Palmer (Potter) Park*, *supra* note 5.

²⁷ See *supra* notes 1-2 and accompanying text.

example, as explained, *supra* p. 3, the park where petitioner unlawfully carried his firearm has facilities that are used to host children’s afterschool programs, day camps, youth sporting events, and family activities. And other parks, as discussed, *supra* pp. 2-3, serve as social gathering places for groups and otherwise provide spaces designated for social, recreational, and leisure activities. Because petitioner has raised a facial challenge, these examples of parks (which are analogous to the historical traditions detailed above) are sufficient to conclude that the challenged law “is constitutional in at least some of its applications.” *Rahimi*, 602 U.S. at 693; see also *LaFave v. City of Fairfax*, 149 F.4th 476, 483-484 (4th Cir. 2025) (reaching the same conclusion regarding a ban on carriage in a public park district that included several preschools).

All told, petitioner has not shown that the restriction on carriage in public parks is unconstitutional in every instance. On the contrary, the restriction is consistent with several longstanding historical traditions, including as applied to the facts of this case. Accordingly, petitioner’s challenge fails.

B. Petitioner’s arguments to the contrary are unpersuasive.

Petitioner makes several arguments in support of his position that Illinois’s restriction on firearms in public parks is facially unconstitutional, but none is persuasive.²⁸

²⁸ There is no need for this Court to grant the petition in order to vacate and remand the case in light of *Wolford*, as petitioner also asserts. Pet. 27-28. *Wolford* did not shed any additional light on sensitive places; in fact, it addressed a “separate default rule” and thus does not affect the continuing validity of Hawaii’s prohibition on “the

1. First, petitioner rejects the premise that modern parks were first created in the mid-nineteenth century, claiming instead that public greenspaces with features of modern parks existed at the Founding and that governments did not restrict firearms in those spaces. Pet. 8-10. But petitioner’s evidence does not support this conclusion. He relies most heavily on the Boston Common as an example of a public space that was “used for socializing and recreation . . . [p]rior to the founding.” *Id.* at 9. As the Second Circuit explained, however, the Boston Common of the founding era was not akin to the modern parks of the mid-nineteenth century that “were principally created as dedicated spaces for peaceful recreation and quiet contemplation of natural scenery.” *Christian*, 176 F.4th at 206; see also *Wolford*, 116 F.4th at 982. Rather, the “Boston Common’s long history shows a variety of uses, both practical and recreational.” *Christian*, 176 F.4th at 206 (internal quotations omitted). In the colonial and revolutionary period, for instance, it was primarily used as a burial ground and training area for troops.²⁹ It was not until the mid-nineteenth century that grazing was prohibited and “the Commons became park.”³⁰ Likewise, Battery Park in New York (another of petitioner’s examples) was initially developed for military purposes and later used as an immigration center.³¹

carry of firearms in places that it deems sensitive, including schools, banks, and establishments serving alcohol.” 146 S. Ct. at 2058 n.6 (Barrett, J., concurring).

²⁹ Bos. Landmarks Comm’n, *supra* note 13, at 17-18.

³⁰ *Id.* at 19.

³¹ *The Earliest New York City Parks*, N.Y. City Dept. of Parks and Recreation, <https://bit.ly/45r6lf0>.

Moreover, even the handful of public recreational spaces petitioner identifies that existed before the proliferation of public parks in the mid-nineteenth century, see Pet. 9, were outliers and were not part of the structured movement to reduce urban violence by creating recreational opportunities for the general public that ultimately gave rise to the parks movement and corresponding restrictions on firearms in public parks.³² Contrary to petitioner’s assertions, *id.* at 8-10, these distinctions in conception and use are highly relevant when determining the nature of an historical tradition and, in turn, whether the modern restriction is analogous to it. See, *e.g.*, *Hemani*, 146 S. Ct. at 1687-1689 (looking past surface-level similarity to identify changes in a societal conception of “drunkenness”); *Rahimi*, 602 U.S. at 692 (noting that the reason for burdening the right to bear arms is “central” to the inquiry).

The Court, moreover, has never required evidence of a firearms restriction on the initial iterations of a public place in order to identify a historical tradition. Rather, it has recognized that legislatures at the time of the Founding did not always legislate to the full extent permitted by the Second Amendment. See *Rahimi*, 602 U.S. at 691-92 (Second Amendment “permits more than just those regulations identical to ones that could be found in 1791”); *id.* at 739-740 (Barrett, J., concurring) (rejecting assumption that “founding-era legislatures maximally exercised their power to regulate”). As one example, the Court considers schools (which existed at the Founding) to be sensitive places, even though restrictions on firearms in schools

³² Clark, *supra* note 12, at 31-33.

did not proliferate until the mid-nineteenth century when schools took on a more prominent role in public policy. See *Bruen*, 597 U.S. at 30; *District of Columbia v. Heller*, 554 U.S. 570, 626-627 (2008).³³ And because those laws were uncontroversial, the lack of earlier analogues does not undermine the “longstanding” tradition of prohibiting firearms in schools. See *Bruen*, 597 U.S. at 30.

2. Petitioner next asserts that the only relevant historical analogues are those from the founding era. Pet. 10. This is untrue. States are “bound to respect the right to keep and bear arms because of the Fourteenth Amendment,” *Bruen*, 597 U.S. at 37, and this Court has repeatedly looked to evidence from the nineteenth-century when assessing the scope of the Second Amendment right, see, e.g., *id.* at 60-66 (analyzing nineteenth-century sources); *Heller*, 554 U.S. at 614-619 (similar).

At minimum, the Court has recognized that post-ratification history that does not “contradict[]” earlier authorities can demonstrate a continuing historical tradition. *Bruen*, 597 U.S. at 36. As explained, *supra* pp. 18-20, there is no contradiction between the longstanding tradition of firearm restrictions in places where individuals

³³ See David B. Kopel & Joseph G.S. Greenlee, *The “Sensitive Places” Doctrine: Locational Limits on the Right to Bear Arms*, 13 Charleston L. Rev. 205, 250-252 (2018) (noting the complete lack of restrictions on firearms in schools in the founding era); *BLS History*, Boston Latin Sch., <https://bit.ly/44VcAYs> (describing the formation of the Boston Latin School before the Founding); see also History and Evolution of Public Education in the US, Ctr. on Educ. Pol’y 3-4 (2020), <https://files.eric.ed.gov/fulltext/ED606970.pdf> (describing the proliferation of public schools as a public policy measure); see also, e.g., 1870 Tex. Gen. Laws 63 (banning firearms in schools around the same time period); 1883 Mo. Laws 76 (similar); 1889 Ariz. Sess. Laws 17; 1890 Okla. Sess. Laws 496 (similar).

gather for leisure, social, and recreational purposes and the restrictions in modern parks. On the contrary, the modern parks restrictions are consistent with the underlying principles animating these founding-era laws.

3. Petitioner also contends that “the historical tradition that the Illinois Appellate Court relied upon — late-nineteenth century municipal ordinances — imposed categorically less severe penalties than what Illinois now imposes.” Pet. 23. But, as that court recognized, Pet. App. 16, a difference in the nature of penalties is not dispositive; rather, it is one of many factors that courts may review as part of the step-two analysis, see *Rahimi*, 602 U.S. at 699 (describing penalties as one “aspect” of the burden analysis). And here, the difference in penalties is much less significant than those that this Court has previously recognized. See, e.g., *Heller*, 554 U.S. at 633 (distinguishing laws that imposed a “small fine” from those with “significant criminal penalties”).

Indeed, while the nineteenth-century prohibitions on firearms in public parks did not punish infractions with imprisonment, there were still weighty consequences for violations, including substantial fines.³⁴ And many of the earlier laws restricting firearms in social gathering places imposed terms of imprisonment as a penalty for bringing firearms into the locations at issue.³⁵ All told, the differences highlighted

³⁴ See, e.g., Danville, Ill., Rev. Ordinances ch. 29, § 4 (1883) (imposing a fine of \$100, the equivalent of over \$3000 today); Hyde Park, Ill, South Park Ordinances § 6 (1876) (similar).

³⁵ See 852-53 N.M. Terr. Laws 67; 1869-70 Tenn. Pub. Acts 23; 1870 Ga. Laws 421; 1883 Mo. Laws 76.

by petitioner do not outweigh the many other similarities between the historical analogues and the Illinois statute in how and why the restrictions were enacted.

4. Finally, petitioner asserts that the lower court’s historical analysis as to schools was based only on a “superficial comparison[]” with public parks. Pet 18. But beyond this complaint, petitioner offers no substantive rejoinder to the comparison between parks and schools. Nor could he, especially in the context of a facial challenge like the one at issue here. As explained, see *supra* p. 2-3, there are parks in Illinois that run school programs, including preschools, afterschool programs, and camps for school-age children. These applications of the restriction on firearms in public parks, then, are directly analogous to the restrictions on firearms in schools, which are longstanding and “settled” sensitive places. *Bruen*, 597 U.S. at 30.

CONCLUSION

The petition for a writ of certiorari should be denied.

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