

SUPREME COURT OF ILLINOIS

The People of the State of Illinois v. Jerry S. Izzo

People v. Izzo, 195 Ill. 2d 109 (Ill. 2001) · No. No. 88887 · Decided February 16, 2001

SUMMARY

The Supreme Court of Illinois held that section 21-6 of the Illinois Criminal Code, prohibiting unauthorized possession or storage of specified weapons on public property, was not unconstitutionally vague as applied to Jerry Izzo. The court also rejected Izzo’s separation-of-powers challenge, concluding that the statute did not transfer prosecutorial authority from the State’s Attorney to a chief security officer. The court reversed the circuit court’s dismissal of the complaint and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Illinois
WRITING FOR THE COURT	Justice Harrison; Justice Garman
JURISDICTION	Illinois
DECIDED	February 16, 2001
DOCKET	No. 88887
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State brought a direct appeal from the Du Page County circuit court's dismissal of a criminal complaint on constitutional grounds.
STANDARD OF REVIEW	The court reviewed the constitutional challenge to the statute in the factual context of the case and determined whether the statute was impermissibly vague as applied and whether it violated separation-of-powers principles.
PRECEDENTIAL VALUE	Published Illinois Supreme Court opinion; precedential
PARTIES	The People of the State of Illinois v. Jerry S. Izzo

TOPICS

- void for vagueness
- due process
- separation of powers
- statutory interpretation
- criminal procedure

PRACTICE AREAS

- criminal law
- constitutional law
- criminal procedure

QUESTIONS PRESENTED

1. Whether section 21-6 of the Criminal Code of 1961 is unconstitutionally vague because it does not define the term "chief security officer" with sufficient specificity.
2. Whether section 21-6 violates the separation-of-powers provision of the Illinois Constitution by allowing a chief security officer to authorize possession of a weapon and thereby allegedly affect the State's Attorney's prosecutorial authority.

HOLDINGS

1. Section 21-6 is not unconstitutionally vague on its face because it does not affect First Amendment rights and is capable of valid application. The statute also provided a person of ordinary intelligence, including Izzo in the circumstances presented, sufficient notice of the prohibited conduct and of the need to obtain advance written permission before possessing the knife at school.
2. Section 21-6 does not violate the separation-of-powers provision of the Illinois Constitution. The statute authorizes a chief security officer to grant permission to possess or store a weapon on public property, but it does not authorize that officer to decide whether criminal charges should be brought, modified, or dismissed. Prosecutorial authority remains with the State's Attorney.

KEY QUOTATIONS

"A principle deeply embedded in our system of jurisprudence is that one's ignorance of the law does not excuse unlawful conduct." (553)

"For the foregoing reasons, the circuit court should not have dismissed the complaint against Izzo on the grounds that section 21-6 is unconstitutional." (554)

FACTUAL BACKGROUND

Jerry Izzo, an 18-year-old high school student, was found carrying a folding Smith & Wesson S.W.A.T. knife with a blade exceeding three inches while at school. The State charged him under section 21-6 of the Criminal Code, which prohibited possession of specified weapons on public property without prior written permission from the chief security officer. Izzo had not sought or received permission to possess the knife at school.

PROCEDURAL HISTORY

Izzo was charged with violating section 21-6 of the Criminal Code of 1961 after he was found carrying a knife with a blade longer than three inches at school. The circuit court of Du Page County granted Izzo's motion to dismiss, concluding that the statute was unconstitutional. The State appealed directly to the Illinois Supreme Court under Illinois Supreme Court Rule 302(a).

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The cause was remanded to the circuit court for further proceedings on the criminal complaint.

CASES CITED

- People v. Bales, 108 Ill. 2d 182, 188, 91 Ill. Dec. 171, 483 N.E.2d 517 (1985)
- People v. Bossie, 108 Ill. 2d 236, 91 Ill. Dec. 634, 483 N.E.2d 1269 (1985)
- People v. Wawczak, 109 Ill. 2d 244, 249, 93 Ill. Dec. 378, 486 N.E.2d 911 (1985)
- In re C.E., 161 Ill. 2d 200, 210-11, 204 Ill. Dec. 121, 641 N.E.2d 345 (1994)
- Russell v. Department of Natural Resources, 183 Ill. 2d 434, 442, 233 Ill. Dec. 782, 701 N.E.2d 1056 (1998)
- People v. Anderson, 148 Ill. 2d 15, 28, 169 Ill. Dec. 288, 591 N.E.2d 461 (1992)
- People v. Jihan, 127 Ill. 2d 379, 385-86, 130 Ill. Dec. 422, 537 N.E.2d 751 (1989)
- East St. Louis Federation of Teachers, Local 1220 v. East St. Louis School District No. 189 Financial Oversight Panel, 178 Ill. 2d 399, 425, 227 Ill. Dec. 568, 687 N.E.2d 1050 (1997)
- People v. Secor, 279 Ill. App. 3d 389, 396, 216 Ill. Dec. 126, 664 N.E.2d 1054 (1996)
- Granite City Division of National Steel Co. v. Pollution Control Board, 221 Ill. App. 3d 68, 75, 163 Ill. Dec. 549, 581 N.E.2d 703 (1991), aff'd, 155 Ill. 2d 149, 184 Ill. Dec. 402, 613 N.E.2d 719 (1993)
- People v. Sevilla, 132 Ill. 2d 113, 127, 138 Ill. Dec. 148, 547 N.E.2d 117 (1989)
- Murneigh v. Gainer, 177 Ill. 2d 287, 302, 226 Ill. Dec. 614, 685 N.E.2d 1357 (1997)
- People v. O'Donnell, 116 Ill. 2d 517, 527, 108 Ill. Dec. 489, 508 N.E.2d 1066 (1987)

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