

ILLINOIS SUPREME COURT

People v. Villareal

People v. Villareal, Villareal, 2023 IL 127318 (Ill. 2023) · No. 127318 · Decided January 20, 2023

SUMMARY

The Illinois Supreme Court upheld the facial constitutionality of 720 ILCS 5/24-1.8(a)(1), which criminalizes public firearm possession by a street-gang member without a valid FOID card. The court held that the statute does not violate substantive due process under the rational basis test, as it is reasonably related to the legitimate state interest of reducing gang violence, and that the statutory definitions of "streetgang member" require active membership, not mere passive association. The court also rejected vagueness and Eighth Amendment challenges, finding the statute provides clear notice of prohibited conduct and criminalizes the act of possession, not mere status.

CASE DETAILS

COURT	Illinois Supreme Court
WRITING FOR THE COURT	Holder White; Theis; Neville; Overstreet
JURISDICTION	Illinois
DECIDED	January 20, 2023
DOCKET	127318
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the appellate court's affirmance of the circuit court's dismissal of petitioner's section 2-1401 petition, raising facial constitutional challenges to the statute.
STANDARD OF REVIEW	De novo
PRECEDENTIAL VALUE	Published
PARTIES	Juan Villareal v. The People of the State of Illinois

TOPICS

- criminal procedure
- constitutional law
- fourteenth amendment
- due process
- sentencing
- statutory interpretation

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether section 24-1.8(a)(1) violates substantive due process under the fourteenth amendment because it is not rationally related to a legitimate state interest.
2. Whether section 24-1.8(a)(1) violates substantive due process because it is void for vagueness.
3. Whether section 24-1.8(a)(1) violates the eighth amendment's prohibition on cruel and unusual punishment.

HOLDINGS

1. Section 24-1.8(a)(1) does not violate substantive due process because it is rationally related to the legitimate state interest of curbing gang violence in public areas.
2. Section 24-1.8(a)(1) is not void for vagueness because it provides clear definitions of prohibited conduct and the persons subject to the statute.
3. Section 24-1.8(a)(1) does not violate the eighth amendment because it criminalizes conduct (public possession of a firearm without a FOID card) and not mere status.

KEY QUOTATIONS

“We conclude the legislature’s decision to increase the penalty was reasonable and rationally related to its stated purpose of curbing gang violence against innocent citizens in public areas.” (§ 23)

“We find the plain language of section 24-1.8(a)(1) and the definitions it incorporates from the Act are clear as to the legislative intent.” (§ 30)

“We find Powell instructive and find section 24-1.8(a)(1) constitutional because it includes an actus reus—a gang member’s public possession of a firearm or firearm ammunition without a valid FOID card.” (§ 46)

FACTUAL BACKGROUND

In October 2011, police stopped petitioner while driving a car believed involved in a neighborhood shooting. During the traffic stop, officers searched the car and recovered a loaded handgun. Petitioner was charged with unlawful possession of a firearm by a streetgang member. He pleaded guilty, stipulating that he was a member of the Satan Disciples and had never been issued a FOID card. He was sentenced to four years in prison.

PROCEDURAL HISTORY

Petitioner pleaded guilty to unlawful possession of a firearm by a streetgang member. He later filed a section 2-1401 petition arguing his sentence was improperly increased due to mandatory supervised release. The circuit court dismissed the petition. On appeal, petitioner raised an eighth amendment challenge and later a substantive due process challenge. The appellate court rejected the eighth amendment challenge and declined to address the due process claim. The Illinois Supreme Court granted leave to appeal.

DISPOSITION

affirmed

CASES CITED

- People v. Thompson, 2015 IL 118151
- State v. O.C., 748 So. 2d 945 (Fla. 1999)
- State v. Bonds, 502 S.W.3d 118 (Tenn. Crim. App. 2016)
- In re J.W., 204 Ill. 2d 50 (2003)
- People v. Eubanks, 2019 IL 123525
- People v. Coty, 2020 IL 123972
- People v. Hollins, 2012 IL 112754
- People v. Austin, 2019 IL 123910
- People v. Pepitone, 2018 IL 122034
- People v. Cardona, 2013 IL 114076
- People v. Boeckmann, 238 Ill. 2d 1 (2010)
- People v. Plank, 2018 IL 122202
- People v. Johnson, 225 Ill. 2d 573 (2007)
- People v. Jones, 223 Ill. 2d 569 (2006)
- People v. Comage, 241 Ill. 2d 139 (2011)
- People v. Blair, 2013 IL 114122
- People v. Murray, 2019 IL 123289
- Scales v. United States, 367 U.S. 203 (1961)
- Bartlow v. Costigan, 2014 IL 115152
- Grayned v. City of Rockford, 408 U.S. 104 (1972)
- Hill v. Colorado, 530 U.S. 703 (2000)
- Wilson v. County of Cook, 2012 IL 112026
- Lanzetta v. New Jersey, 306 U.S. 451 (1939)
- Corbett v. County of Lake, 2017 IL 121536
- United States v. Williams, 553 U.S. 285 (2008)
- People v. Maness, 191 Ill. 2d 478 (2000)
- Kolender v. Lawson, 461 U.S. 352 (1983)
- Smith v. Goguen, 415 U.S. 566 (1974)
- Ingraham v. Wright, 430 U.S. 651 (1977)
- Robinson v. California, 370 U.S. 660 (1962)
- Powell v. Texas, 392 U.S. 514 (1968)
- Spencer v. Texas, 385 U.S. 554 (1967)
- Rummel v. Estelle, 445 U.S. 263 (1980)

- *Pottinger v. City of Miami*, 810 F. Supp. 1551 (S.D. Fla. 1992)
- *City of Los Angeles v. Patel*, 576 U.S. 409 (2015)

CITED IN

- *People v. Villareal*, *People v. Villareal*, 2023 IL 127318, ¶¶ 20, 22, 24, 40
- *People v. Villareal*, *People v. Villareal*, 2023 IL 127318, ¶ 14

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