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# ON AB28:

## THE POTENTIAL OF CALIFORNIA'S NEW FIREARM TAX IN ILLINOIS

### Introduction

Public sector support for violence prevention funding in Illinois has been increasing, peaking at more than \$170 million in the latest budget [1]. Still, this is only 0.3% of the state budget, and the renewal of this funding is dependent on consistent support from legislators in each budget cycle. This financial support will be especially vulnerable when American Rescue Plan (ARPA) funding is no longer available. Following the ARPA cliff, we will have a gap of \$100 million to fill to sustain current funding levels. Recently, California has introduced a strategy for securing consistent, future funding through law: the Gun Violence Prevention and School Safety Act, known as AB28.

AB28 enforces an excise tax from the retail sale of firearms, ammunition, and gun components in the state of California. While the law does not impact the residents purchasing guns, the law imposes an 11% tax on the manufacturers and distributors of retail firearm and ammunition sales in the state of California. A fund has been established in the state treasury to collect

the revenue from this tax, and use this money to fund programs that focus on gun violence prevention, education, research, response, and investigation programs. When this became active on July 1st, 2024, it required California dealers and manufacturers of firearms as well as ammunition vendors to obtain a valid firearm and ammunition excise tax certificate of registration. According to data from 2023, roughly 1 million guns were sold in California, and the projected revenue from this tax is estimated to be around \$160 million[2]. In Illinois, roughly 520,686 guns were sold in 2023, about half the amount of California. If similar estimates were to be calculated in Illinois using data from the amount of guns sold in the past year, then it could be projected that this tax would produce about \$80 million in Illinois [2]. Exemptions from the tax include retailers in any quarterly period who gross less than \$5,000 from the sale of firearms and ammunition, as well as any firearms sold to active and former peace officers [3].

### Success in California

California's leadership in gun control legislation stems from a history of pioneering measures aimed at reducing firearm-related violence. The state has established a formidable legal and policy precedent with laws which mandates background checks for ammunition purchases and restricts large capacity magazines. The state's adoption of laws similarly structured to AB28, for instance the bill taxing cigarettes to fund smoking prevention programs illustrates a parallel in addressing public health crises through targeted taxation. The federal excise tax on firearms, in place since 1919, has successfully funded wildlife conservation efforts. AB 28 replicated this funding model and built on existing commitment to gun control to

address the gun violence epidemic leveraging an existing fiscal mechanism to support prevention and intervention programs.

Public opinion in California overwhelmingly supports stringent gun control measures, as evidenced in a recent polling. According to a survey by the nonpartisan Public Policy Institute of California, a substantial majority of 66% of voters prioritized controlling gun ownership over protecting gun rights [8]. The widespread support has bolstered legislative efforts to enact and enforce comprehensive gun laws, including universal background checks, assault weapons bans, and regulation on ammunition. California is among the states with the lowest gun

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ownership rates with a rate of 16.3%, the state's strict gun control laws contribute to California lower rates compared to other states in the country [11]. California's leadership in gun violence prevention is bolstered by strong public support for regulations aimed at reducing firearm-related harm. The state's strict requirements for firearm safety certificates, background checks, and restrictions on firearm possession by prohibited individuals reflect a deliberate effort to prioritize community safety. This commitment is reinforced by policies promoting safe firearm storage and intensive criteria for obtaining concealed carry permits, which collectively contribute to California's comprehensive framework of gun laws recognized for their effectiveness and impact [7].

CALVIP (California Violence Intervention and Prevention) grant program organizations in California play a crucial role in advancing community safety through structured assessment focused on maturity, evidence, effectiveness, advocacy strength, and organizational size. The investment of tripling funds for CALVIP community violence intervention efforts has made extremely transformative change. From 2016-2018, cities with a CALVIP-funded violence prevention program saw homicides decline nearly three times more than localities that did not receive CALVIP support, efforts contributing to California's reduction of gun homicides among Black men and boys by 21% between 2017 and 2018 alone, while reversing the steady three-year spike in gun homicides among Latino men and boys [12]. Advance Peace in Sacramento targets interventions for high-risk individuals and rigorous program evaluation, further supporting its commitment to effective strategies. According to data studies collected, a 14.3% decrease was found in gun homicides and assaults in areas Advance Peace served in throughout 2018-2020 [9]. Advance Peace also exhibits strong advocacy strength collaborating with other organizations and advocating for policy changes to sustain violence prevention efforts. Although smaller in direct staff size, its impact is amplified through strategic partnerships and scalable programs, making it a significant force in promoting community safety and reducing violence in Sacramento [9].

The coalition backing AB28 comprises a diverse array of influential stakeholders,

including law enforcement agencies, public health experts, and local community organizations like Californians for Safety and Justice, National bodies such as Equal Justice USA, Live Free, the National Institute of Criminal Justice Reform, the Health Alliance for Violence Intervention, Everytown for Gun Safety, and Moms Demand Action for Gun Sense in America also lend their support. This broad alliance coalesced around AB28 due to its focus on common objectives, notably the allocation of resources to proven intervention programs and continued advocacy for gun violence prevention. They also projected the revenue to go to other related activities such as promoting school safety, supporting gun safety research, and investing in firearm relinquishment programs to ensure court orders, (including but not limited to Gun Violence Restraining Orders and Domestic Violence Restraining orders, civil harassment restraining orders, and workplace violence restraining orders) [10]. The coalition's diversity provided it with greater reach and access to policymakers across the state, leveraging the collective expertise, resources, and advocacy power of its varied groups.

The coalition's success in uniting these disparate groups stemmed from its comprehensive advocacy strategy, which involved town halls, direct engagement with legislators, and robust public campaigns. This multifaceted approach ensured that diverse viewpoints were heard and integrated into the legislative process. Central to the coalition's argument was the imminent funding shortfall post-ARPA, compellingly illustrating how the expiration of these funds would jeopardize crucial violence prevention initiatives. Emphasizing an evidence-based approach, advocates presented compelling data showcasing the effectiveness of violence prevention programs and the critical need for sustained funding. AB28 was framed not merely as a fiscal measure but as a necessary investment in public safety and community welfare. Advocates underscored the tangible benefits of reduced gun violence and safer communities, appealing both emotionally and rationally to policymakers. The bill's provisions were meticulously crafted, outlining clear mechanisms for fund allocation, oversight, and exemptions, ensuring transparency and accountability in administration [10].

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## Potential in Illinois

Taxes with a similar structure to AB28 have precedent in Illinois, and recently there has been increasing support for initiatives that direct resources to communities and organizations that are disproportionately underfunded. The state's new Restore, Reinvest, Renew, grant program funnels tax revenue from marijuana sales into a fund that supports community work in specific areas, designated by historic disinvestment [14]. This program suggests some significant legislative support for increasing the funding of community organizations through tax revenue on non-essential goods.

Still, introducing similar legislation in Illinois would likely face legal challenges. The 2012 Cook County tax on firearms and ammunition was struck down by the Illinois Supreme Court in 2021 on the rationale that it violated the uniformity clause, as the revenue went into the state budget at large and therefore impacted a constitutional right while not being "substantially related to the object of legislation" [5]. The County modified the law, directing the revenue into a Special Purpose Fund for Equity and Inclusion, and the tax has been active [13]. A Second amendment advocate submitted a follow up lawsuit, which while dismissed by the circuit court is currently under consideration at the Illinois appellate court [18].

In general, Illinois has strong and increasing public support for gun control measures, and the state has been able to enact strict legislation on the topic. 74% of Illinoisians polled by the University of

Illinois at Springfield support a ban on assault weapons, a large jump from 2018, and up to 92% support increased gun owner identification and mental health considerations when purchasing firearms [19]. Illinois requires universal background checks for firearm purchase, has minimum age limits, large capacity magazine bans, and domestic violence gun laws. Still, Giffords only gives the state an A- on its gun law scorecard as opposed to California's A [19].

CVI organizations in Illinois are increasingly recognized as critical players in addressing the state's pervasive gun violence issues. Previously, funding inconsistencies, such as those with the Cure Violence model, impeded progress. Recently, state investment has surged. As stated previously, in 2024 Illinois allocated over \$170 million to CVI work. Private funders, primarily through The Partnership for Safe and Peaceful Communities (PSPC), have invested over \$300 million in community violence intervention (CVI). The business sector alone has pledged additional funding through the Civic Committee of the Commercial Club. State funding has also enabled the launch of CVI programs in suburban and downstate communities under the Illinois Peace Project [17]. Additionally, the new Office of Firearm Violence Prevention underscores a strong commitment to reducing gun violence through grants and technical assistance. Overall, Illinois' CVI budget allocation is slightly higher than California's.

Today, with increased public funding, Chicago's CVI network has expanded to over two dozen organizations operating in nearly half of the city's 77 communities, including those with the highest gun violence rates, serving more than 3,000 individuals (about 15-20% of the highest-risk population).[16] Similar to the approach in California, collaborative partnerships within this network are essential for the successful enactment of legislation in the state. Among these are Chicago CRED, Communities Partnering 4 Peace, the Partnership for Safe and Peaceful Communities, READI Chicago, Project Hood, the Institute for Nonviolence Chicago, Cure Violence Global, Build, Acclivus, Metropolitan Peace Initiatives,



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he Illinois Peace Project, ALSO, Breakthrough, the Chicago Fund for Peaceful Communities, and the Illinois Council Against Handgun Violence.

Researchers have found that communities impacted by organizations like CRED that completed the full program were more than 73% less likely to have an arrest for a violent crime in the two years following enrollment compared to individuals who did not participate. Similarly, participants of programs like READI experienced 79 %fewer shooting or homicide arrests, according to analysis by the University of Chicago Crime Lab [21].

Illinois has a strong array of organizations that could create a backing coalition for this bill. Possible coalition partners include: One Aim Illinois, an existing coalition, is supported by a diverse array of organizations and institutions, including the Civic Committee of the Commercial Club of Chicago, the University of Chicago Crime Lab, African American Men of Unity, Claretian Associates, Enlace Chicago, The Well Experience Inc., the Illinois Department of Human Services, the Illinois State Police, Moms Demand Action, Chicago Parent, March for Our Lives, MASK - Mothers/Men Against Senseless Killings, and the Center for Neighborhood Engaged Research and Science. Connections already

Introducing this law is likely to face backlash from prominent pro-gun groups like the Illinois State Rifle Association (ISRA), the Second Amendment Foundation (SAF), which was the main opponent of the Cook County firearm tax, and the United States Practical Shooting Association (USPSA) Illinois Chapter. Additionally, hunting advocates such as the Illinois Federation for Outdoor Resources (IFOR), may be oppositional. This landscape is very similar to the opposition in California, though legal precedent indicates that this opposition may have more governmental support in Illinois. exist between a lot of these organizations which is a strong advantage, but the existing coalitions are less diverse than in California, where connections with advocates for safer schools and healthcare organizations are more widespread.

## Conclusion

Overall, AB 28 has potential in Illinois, and would plug 80% of the ARPA cliff. Illinois has a similar outlay to California with some specific advantages in public support and existing organizational networks, and disadvantages in heightened legal challenges and a robust pro-gun lobby.



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