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SO2012-6603

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City Council Document Tracking Sheet

Meeting Date:	10/3/2012
Sponsor(s):	Burke, Edward M. (14) Reboyras, Ariel (30) Pawar, Ameya (47) Balcer, James (11) O'Shea, Matthew J. (19) Lane, Lona (18) Pope, John (10)
Type:	Ordinance
Title:	Amendment of Chapter 8-26 of Municipal Code regarding definition of gun offenses
Committee(s) Assignment:	Committee on Public Safety

SUBSTITUTE
ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. Chapter 8-26 of the Municipal Code of Chicago is hereby amended by adding new sections 8-26-035 and 8-26-055, by deleting section 8-26-110, by adding the language underscored and by deleting the language struck through, as follows:

8-26-010 Definitions.

For purposes of this chapter, the following definitions apply:

~~"Corrections facility" has the same meaning ascribed to that term in 720 ILCS 5/3-1-2.~~

"Conviction" or "convicted" has the same meaning ascribed to that term in section 5/2-5 of the Illinois Criminal Code ~~means an adjudication by a court of competent jurisdiction that a person is guilty, and includes the sentence by the court, of the gun offense~~.

"Gun offender" or "offender" means any person convicted of a gun offense ~~that is subject to the provisions of this chapter~~.

"Gun offense" means a criminal conviction of any of the following offenses; ~~of an offense for an unlawful use of a weapon that included a firearm under 720 ILCS 5/24, or criminal possession of a firearm in violation of any federal, state or local law~~

(1) Illinois Criminal Code:

Kidnaping and Related Offenses

720 ILCS 5/10-2(a)(6)
720 ILCS 5/10-2(a)(7)
720 ILCS 5/10-2(a)(8)
720 ILCS 5/10-3.1(a) (if the deadly weapon was a firearm)
720 ILCS 5/10-4(a)(1) (if the dangerous weapon was a firearm)

Assault, Battery, Home Invasion Offenses

720 ILCS 5/12-2(c) (if a firearm was used or discharged)
720 ILCS 5/12-3.05(e) (if a firearm was used or discharged)
720 ILCS 5/12-4(b) (if a firearm was used or discharged)
720 ILCS 5/12-11(a)(3)
720 ILCS 5/12-11(a)(4)
720 ILCS 5/12-11(a)(5)

Robbery and Vehicular Hijacking Offenses

720 ILCS 5/18-2(a)(2)
720 ILCS 5/18-2(a)(3)
720 ILCS 5/18-2(a)(4)
720 ILCS 5/18-4(a)(4)
720 ILCS 5/18-4(a)(5)
720 ILCS 5/18-4(a)(6)

Armed Violence

720 ILCS 5/33A-2(a)	(if the dangerous weapon was a firearm)
720 ILCS 5/33A-2(b)	
720 ILCS 5/33A-2(c)	

UUW

720 ILCS 5/24-1(a)(4)	(firearms only)
720 ILCS 5/24-1(a)(7)(i)	
720 ILCS 5/24-1(a)(7)(ii)	
720 ILCS 5/24-1(a)(8)	
720 ILCS 5/24-1(a)(9)	(firearms only)
720 ILCS 5/24-1(a)(10)	(firearms only)

UUW by Felon or Person in Prison

720 ILCS 5/24-1.1(a)	(firearms only)
720 ILCS 5/24-1.1(b)	(firearms only)

Aggravated Discharge of a Firearm

720 ILCS 5/24-1.2(a)(1)
720 ILCS 5/24-1.2(a)(2)
720 ILCS 5/24-1.2(a)(3)
720 ILCS 5/24-1.2(a)(4)
720 ILCS 5/24-1.2(a)(5)
720 ILCS 5/24-1.2(a)(6)
720 ILCS 5/24-1.2(a)(7)
720 ILCS 5/24-1.2(a)(8)
720 ILCS 5/24-1.2(a)(9)

Aggravated Discharge with Machine Gun or Silencer

720 ILCS 5/24-1.2-5(a)(1)
720 ILCS 5/24-1.2-5(a)(2)
720 ILCS 5/24-1.2-5(a)(3)
720 ILCS 5/24-1.2-5(a)(4)
720 ILCS 5/24-1.2-5(a)(5)
720 ILCS 5/24-1.2-5(a)(6)
720 ILCS 5/24-1.2-5(a)(7)
720 ILCS 5/24-1.2-5(a)(8)

Reckless Discharge of a Firearm

720 ILCS 5/24-1.5(a)
720 ILCS 5/24-1.5(b)

Aggravated UUW

720 ILCS 5/24-1.6(a)(1) (3)(A)	(firearms only)
720 ILCS 5/24-1.6(a)(1) (3)(B)	(firearms only)
720 ILCS 5/24-1.6(a)(1) (3)(C)	(firearms only)
720 ILCS 5/24 1.6(a)(1) (3)(D)	(firearms only)
720 ILCS 5/24-1.6(a)(1) (3)(E)	(firearms only)
720 ILCS 5/24-1.6(a)(1) (3)(G)	(firearms only)
720 ILCS 5/24-1.6(a)(1) (3)(H)	(firearms only)

720 ILCS 5/24-1.6(a)(1) (3)(I) (firearms only)
720 ILCS 5/24-1.6(a)(2) (3)(A) (firearms only)
720 ILCS 5/24-1.6(a)(2) (3)(B) (firearms only)
720 ILCS 5/24-1.6(a)(2) (3)(C) (firearms only)
720 ILCS 5/24-1.6(a)(2) (3)(D) (firearms only)
720 ILCS 5/24-1.6(a)(2) (3)(E) (firearms only)
720 ILCS 5/24-1.6(a)(2) (3)(G) (firearms only)
720 ILCS 5/24-1.6(a)(2) (3)(H) (firearms only)
720 ILCS 5/24-1.6(a)(2) (3)(I) (firearms only)

Armed Habitual Criminal

720 ILCS 5/24-1.7(a)(1)
720 ILCS 5/24-1.7(a)(2)
720 ILCS 5/24-1.7(a)(3)

Unlawful Possession of a Firearm by a Street Gang Member

720 ILCS 5/24-1.8(a)(1)
720 ILCS 5/24-1.8(a)(2)

Unlawful Sale of Firearms

720 ILCS 5/24-3(A)(a)
720 ILCS 5/24-3(A)(b)
720 ILCS 5/24-3(A)(c)
720 ILCS 5/24-3(A)(d)
720 ILCS 5/24-3(A)(e)
720 ILCS 5/24-3(A)(f)
720 ILCS 5/24-3(A)(g) (firearms only)
720 ILCS 5/24-3(A)(h)
720 ILCS 5/24-3(A)(i)
720 ILCS 5/24-3(A)(j)
720 ILCS 5/24-3(A)(k)

Gunrunning

720 ILCS 5/24-3A

Unlawful Possession of Firearms and Firearm Ammunition

720 ILCS 5/24-3.1(a)(1)
720 ILCS 5/24-3.1(a)(2) (firearms only)
720 ILCS 5/24-3.1(a)(3) (firearms only)
720 ILCS 5/24-3.1(a)(4) (firearms only)
720 ILCS 5/24-3.1(a)(5) (firearms only)

Unlawful Sale or Delivery of Firearms- School/Public Housing

720 ILCS 5/24-3.3

Unlawful Sale of Firearms by Liquor Licensee

720 ILCS 5/24-3.4

Unlawful Purchase of a Firearm
720 ILCS 5/24-3.5(b)
720 ILCS 5/24-3.5(c)

Unlawful Use of a firearm in the shape of Wireless Telephone
720 ILCS 5/24-3.6(b)

Use of a Stolen Firearm in the Commission of an Offense
720 ILCS 5/24-3.7(a)

Possession of a Stolen Firearm
720 ILCS 5/24-3.8

Aggravated Possession of a Stolen Firearm
720 ILCS 5/24-3.9

Defacing Identification Marks of Firearms
720 ILCS 5/24-5(b)

(2) **Municipal Code of Chicago:**

8-20-020	unlawful possession of handguns
8-20-030	unlawful possession of long guns
8-20-035	unlawful possession of unregisterable firearms
8-20-100(a)	unlawful sale of firearms
8-24-010	unlawful discharge of a firearm
8-24-027	disguised firearms

(3) A violation of any federal, state, or local law that is substantially equivalent to any offense listed in (1) and (2) of this definition.

(4) A "gun offense" shall include the offense of "attempt," codified at 720 ILCS 5/8-4, with regard to any of the offenses listed in subsection (1).

"Department," "firearm," " CFP," and "superintendent" have the meaning ascribed to those terms in section 8-20-010.

8-26-020 Duty to register ~~and to verity~~.

(a) (1) A gun offender who: (i) resides within the city;~~, or remains in the city to work or attend school,~~ and (ii) on or after the effective date of this 2013 amendatory ordinance is convicted of, or discharged or released from a federal, state or local correctional center for incarceration for, a gun offense shall register with the superintendent within ~~48 hours~~ 5 days of either:

(~~1~~ A) release, if the gun offender receives a sentence of imprisonment, or
(~~2~~ B) the time sentence is imposed, if the sentence does not include imprisonment.

Any person registered as a gun offender before the effective date of this 2013 amendatory ordinance shall continue to comply with the registration requirements of this

chapter until such time that the gun offender is no longer required to register.

(2) Notwithstanding subsection (a)(1), any gun offender who did not register in the time set forth in subsection (a)(1) because, following his discharge or release from a federal, state, or local correctional center, he was confined to a residential treatment center, hospital or other institution, shall register within 5 days of his discharge or release from such institution.

(3) A gun offender who did not reside in the city at the time when registration would otherwise be required pursuant to this chapter, and subsequent to that time becomes a resident of the city, shall register within 5 days of becoming a resident of the city.

(4) A gun offender who did not register within the time required by this subsection (a) because the offender did not receive notice of the duty to register shall register within 5 days of receipt of such notice.

(b) The form and manner of registration shall be as provided in rules and regulations.

(c) The registration shall include the following information:

(1) the ~~person's~~ gun offender's name, date of birth, and sex;

(2) the address where the gun offender resides, and any home or mobile phone number ~~works, or attends school~~;

(3) any other legal name or alias used by the offender;

(4) a copy of a driver's license or non-driver's photo identification card, or any other document to establish proof of address approved by the superintendent;

(5) a photograph of the gun offender;

(6) a description of the gun offense for which the offender was convicted;

(7) the name, ~~and~~ address and phone number of the offender's place of work~~, or expected place of work, including the name and phone number of his supervisor~~;

(8) the name and address of any educational institution which the offender attends ~~or expects to attend~~; and

(9) any other information that the superintendent shall find reasonably necessary to effect the purpose of this chapter.

~~The gun offender shall sign a statement under oath attesting to the accuracy of the information required in this subsection.~~

(d) The superintendent may photograph the gun offender and require the gun offender to provide such documentation as the superintendent considers acceptable to verify any information required pursuant to this chapter.

(~~d~~ e) The gun offender shall submit to fingerprinting in accordance with rules and regulations promulgated by the superintendent.

(f) This chapter shall not apply to any person who:

(1) can demonstrate that the person's conviction for a gun offense was: (i) reversed on appeal or otherwise set aside pursuant to law, including receiving a pardon; (ii) based on a law that was invalidated or held to be unconstitutional or

otherwise invalid; or (iii) judicially determined to not be a basis for denial of a CFP; or

(2) was adjudicated a juvenile delinquent for an offense that, if committed by an adult, would constitute a conviction for a gun offense;

8-26-030 Initial and annual registration.

(a) For the initial registration, a gun offender shall ~~personally appear to register~~ report in person at such office of the ~~police~~ department that the superintendent may direct.

(b) After the initial registration, the gun offender shall report in person no later than one year after the date of the initial registration and thereafter no later than one year after the date of each annual registration, until such time that the gun offender is no longer required to register. ~~No later than 20 days after the one-year anniversary of the gun offender's initial registration, the gun offender shall personally appear at such office of the police that the superintendent may direct for the purpose of verifying the information required in this chapter~~.

~~(c) If a gun offender required to register under this chapter is confined to any federal, state or local correctional center, residential treatment center, hospital, or institution throughout the 20-day period set forth in subsection (b), the gun offender personally appear as required by this subsection within 48 hours of release.~~

8-26-035 False information.

It is a violation of this chapter for any gun offender to knowingly provide any false or misleading information pertaining to his registration information.

8-26-040 Registration period.

A gun offender shall comply with the requirements of this chapter, including the registration requirement, for a period of 4 years after the date of his first registration ~~beginning when he is required to register and continuing until 4 years from the date of conviction, or 4 years after the expiration of any time being served on probation, parole, supervised release, or conditional release, or 4 years after the gun offender is unconditionally released from a correctional facility, prison, hospital or other place of confinement, whichever is last. The registration period is tolled any time the gun offender fails to register or otherwise fails to comply with the requirements of this chapter~~.

8-26-050 Duty to report change of information.

A gun offender shall report any change in information required by this chapter ~~with~~ within ~~48 hours~~ 5 days of such change, in a manner and in a form prescribed by the superintendent.

8-26-055 Notice.

Every gun offender subject to this chapter shall be given individual notice, in writing, of the gun offender's duty to register. The superintendent may cooperate with other agencies, including other public, private, criminal justice, or law enforcement agencies, to issue such notice.

8-26-080 Gun offender community notification.

The superintendent shall post the name and address of every registered gun offender ~~registry~~ on the department's publicly available web site, and ~~must~~ shall make the name and address of every registered gun offender in the gun offender ~~information contained in the~~ registry database searchable with a mapping system which identifies registered gun offenders within ~~5~~ 1/8, 1/4 and ½ mile ~~miles~~ of an identified address. The information shall be updated as deemed necessary by the superintendent.

SECTION 2. This ordinance shall be in full force and effect 10 days after its passage and publication.

Edward M. Burke
14th Ward Alderman

Lona Lane 18th
John A. Pope 10th
30
Ariel Fuentes 26
James A. Balcer 11
Matt J. O'Shea (19)

JAMES A. BALCER
ALDERMAN, 11TH WARD
3659 S. HALSTED ST. 60609
TELEPHONE: (773) 254-6677
FAX: (773) 254-8776
JAMES.BALCER@CITYOFCHICAGO.ORG

CITY COUNCIL
CITY OF CHICAGO

COUNCIL CHAMBER
THIRD FLOOR, CITY HALL
121 NORTH LASALLE STREET
SUITE 300, OFFICE 28
CHICAGO, ILLINOIS 60602
TELEPHONE: 312-744-6663

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March 13, 2013

To the President and Members of the City Council:

Your Committee on Public Safety begs leave to report and recommend that Your Honorable Body pass the proposed substitute ordinance amending Chapter 8-26 of the Municipal Code regarding gun offenses.

This recommendation was concurred unanimously by a viva voce vote of the members of the Committee with no dissenting vote. (O2012-6603)

(Ald. Edward Burke, 14th Ward)

Respectfully submitted,

James A. Balcer

James A. Balcer
Chairman
Committee on Public Safety