



City of Chicago



O2023-1329

Office of the City Clerk

Document Tracking Sheet

Meeting Date:

3/15/2023

Sponsor(s):

Burnett (27)
Rodriguez Sanchez (33)
Martin (47)
Dowell (3)
Villegas (36)
Sigcho-Lopez (25)
Ramirez-Rosa (35)
Cardona, Jr. (31)
Taliaferro (29)
Waguespack (32)
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Ervin (28)
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Lopez (15)
Vasquez, Jr. (40)
Reboyas (30)
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Sposato (38)
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Moore (17)
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Ordinance

Type:

Title:

Amendment of Municipal Code Titles 2, 4 and 6 by
modifying various sections regarding criminal history

Committee(s) Assignment:

Committee on License and Consumer Protection

ORDINANCE

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

SECTION 1. Section 2-92-336 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-92-336 Contracts – ~~Ex-offender~~ Returning resident apprentice utilization.

(a) For purposes of this section the following definitions shall apply:

“Apprentice” means any person who is: (1) sponsored into an apprenticeship training program by a contractor that is authorized by a union to sponsor apprentices; (2) participating in a workforce development program of a delegate agency that receives funding from the Department of Family and Support Services; and (3) ~~an ex-offender~~ a returning resident. The union’s apprenticeship training program must be registered with the United States Department of Labor, or approved or recognized by the State of Illinois. For purposes of this definition, “participating in” means the duration of the pertinent contract or one year, whichever is less.

(Omitted text is unaffected by this ordinance)

“Earned credit” means the amount of the bid incentive allocated to a contractor upon completion of a construction project in which the contractor met or exceeded ~~his or her~~ the goals for the utilization of apprentices in performance of the total labor hours performed under the contract.

“Earned credit certificate” means a certificate issued by the ~~chief procurement officer~~ Chief Procurement Officer evidencing the amount of earned credit a contractor has been awarded.

~~“Ex-offender~~ Returning resident” means a resident of the City of Chicago who has been convicted of an imprisonable offense under ~~the Illinois Criminal Code or another state’s penal statute~~ a local, state, or federal law.

(Omitted text is unaffected by this ordinance)

SECTION 2. Section 2-120-480 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

2-120-480 Purpose and intent.

The City Council finds that prejudice and the practice of discrimination against any individual or group because of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (within the meaning of Section 6-10-053), or ~~criminal record or~~ criminal history (within the meaning of Section 6-10-054) menace peace and public welfare. The City Council further finds that it is necessary to promote peace and good order and to eliminate such prejudice and discrimination by establishing an agency that will investigate complaints of discrimination, enforce civil rights ordinances, and promote harmony and understanding among various segments of society by gathering information on matters of human relations and providing education and counseling thereon to the various agencies of City government and to interested groups and individuals. The City Council further finds that the function of such an

agency can be enhanced by the creation of advisory councils on matters of special concern to groups that historically have been the subject of discrimination and bias, and provide a point of contact between such groups and the City government.

SECTION 3. Section 4-6-070 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

4-6-070 Day labor agency.

(Omitted text is unaffected by this ordinance)

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of day labor agency shall be issued to the following persons:

(1) any applicant or licensee, as applicable, who is required to hold, but does not hold, a valid license issued under the Illinois Day Labor Services Act;

(2) any applicant or licensee, as applicable, who, within five years of the date of application or renewal, has been convicted, in custody, under parole or under any other noncustodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving moral turpitude or dishonesty, unless, upon request of such person, the Commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation;

(3) any applicant or licensee, as applicable, who, within five years of the date of application or renewal, has admitted guilt in any civil or criminal proceeding in connection with the commission of any crime involving moral turpitude or dishonesty, unless, upon request of such person, the Commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation;

(4) any applicant or licensee, as applicable, who, within ten years of the date of application or renewal, has had any license, permit, certificate or its equivalent in any jurisdiction, authorizing such applicant or licensee to engage in the business of day care agency or its equivalent in such jurisdiction, suspended or revoked for cause.

(Omitted text is unaffected by this ordinance)

SECTION 4. Section 4-6-120 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-120 Automatic amusement operator.

(Omitted text is unaffected by this ordinance)

(b) *Application – Additional information required.* In addition to the requirements set forth in Section 4-4-050, an application for, and, if requested, renewal of, a regulated business license to engage in the business of automatic amusement operator shall be accompanied by ~~the following information:~~

~~(1)~~—a statement as to whether the applicant or licensee, as applicable, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction of a felony of any type or a criminal offense of whatever degree involving tax evasion, tax delinquency, the failure to pay any tax, the use of coercion or other illegal measures to promote the use of automatic amusement devices, fraud, theft, forgery, personal dishonesty, or deception.

(c) *License issuance and renewal prohibited when.* No regulated business license to engage in the business of automatic amusement device operator shall be issued to ~~the following persons:~~

~~(1)~~—any applicant or licensee, as applicable, who has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction of a felony of any type or criminal offense of whatever degree involving tax evasion, tax delinquency, the failure to pay any tax, the use of coercion or other illegal measures to promote the use of any automatic amusement device(s), fraud, theft, forgery, personal dishonesty, or deception, unless, upon request of such person, the Commissioner has determined that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation.

(d) *Departmental duties.* ~~The commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection, ~~the comptroller~~ Comptroller, and ~~the city clerk~~ City Clerk shall have the authority to promulgate rules and regulations pertaining to automatic amusement devices and to examine all books and records of automatic amusement device operators necessary or appropriate to ensure compliance with the requirements of this section.

(e) *Legal duties.* Each licensee engaged in the business of automatic amusement operator shall have a duty to:

(1) pay all taxes required to be paid by such licensee under Chapter 4-156 of this Code;

(2) comply with all applicable requirements set forth in Chapter 4-156 of this Code;

(3) upon request of the ~~commissioner~~ Commissioner, ~~the comptroller~~ Comptroller, or the ~~city clerk~~ City Clerk, make available for examination all books and records of automatic amusement device operators necessary or appropriate to ensure compliance with the requirements of this chapter.

(Omitted text is unaffected by this ordinance)

SECTION 5. Section 4-6-150 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-150 Junk peddlers.

(Omitted text is unaffected by this ordinance)

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of junk peddler shall be issued to ~~the following persons:~~

(1) ~~any applicant or licensee, as applicable, who, within three years of the date of application or renewal, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony or criminal offense of whatever degree involving keeping, conducting, operating or participating in any illegal operation connected with the junk peddler business, unless, upon request of such person, the Commissioner has determined that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation.~~

(d) *Departmental duties.*

(1) ~~The commissioner of business affairs and consumer protection~~ Commissioner of Business Affairs and Consumer Protection shall notify the ~~commissioner of health~~ Commissioner of Health, the ~~commissioner of streets and sanitation~~ Commissioner of Streets and Sanitation, and the ~~superintendent of police~~ Superintendent of Police of the name and junk peddler license number of every junk peddler licensed under this section.

(2) ~~The department of business affairs and consumer protection~~ Department of Business Affairs and Consumer Protection shall issue to each licensee an identification card stating the junk peddler's name, address, telephone number, driver's license number, and junk peddler license number.

(Omitted text is unaffected by this ordinance)

SECTION 6. Section 4-6-180 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-180 Hotel.

(Omitted text is unaffected by this ordinance)

(c) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of hotel shall be issued to ~~the following persons:~~

(1) ~~Any~~ any applicant or licensee, as applicable, who, within ten years of the date of application or renewal, has ever been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any forcible felony, as defined in Section 2-8 of the Criminal Code of 1961, codified at 720 ILCS 5/1-1, unless, upon request of such person, the Commissioner has determined that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation.

(Omitted text is unaffected by this ordinance)

SECTION 7. Section 4-6-290 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-290 Bed-and-breakfast establishment.

(Omitted text is unaffected by this ordinance)

(e) *License issuance and renewal – Prohibited when.* No regulated business license to engage in the business of bed-and-breakfast establishment shall be issued to the following persons:

(Omitted text is unaffected by this ordinance)

(3) any applicant or licensee, as applicable, if such applicant or licensee has been convicted under any federal or state law of any felony (other than a minor cannabis offense) that is rationally related to the applicant's fitness or capacity to operate a bed-and-breakfast establishment, unless, upon request of such person, the Commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation;

(Omitted text is unaffected by this ordinance)

SECTION 8. Section 4-6-230 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-6-230 Booting of motor vehicles.

(Omitted text is unaffected by this ordinance)

(d) *Departmental duties.*

~~(1)~~—The ~~commissioner~~ Commissioner shall notify the ~~superintendent of police~~ Superintendent of Police and district police commanders within the affected service area of all licenses issued under this section.

(e) *License issuance and renewal – Prohibited when.* No license to engage in the business of booting shall be issued to the following persons:

(1) any applicant or licensee, as applicable, if, within three years of the date of application or renewal, (i) such applicant or licensee, or (ii) any employee or agent of such applicant or licensee who physically installs or removes booting devices or receives payment for removing booting devices, has ever been convicted, in custody, under

parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of a felony of any type (other than a minor cannabis offense), unless, upon request of such person, the Commissioner determines that such person has been substantially rehabilitated to warrant the public trust. The burden of proof of substantial rehabilitation shall be on the person seeking such rehabilitation.

(2) any applicant or licensee, as applicable, who is found liable of misrepresenting or falsifying his or her criminal history or that of any employee or agent within the meaning of subsection (e)(1) of this section.

(Omitted text is unaffected by this ordinance)

SECTION 9. Section 4-11-030 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

4-11-030 Permit requirements.

(Omitted text is unaffected by this ordinance)

(d) *Permit Issuance – Prohibited When.* No permit under this chapter shall be issued to the following persons:

~~(1) Any person who, within five years of the date of application for such permit, has been convicted, in custody, under parole or under any other non-custodial supervision resulting from a conviction in a court of any jurisdiction for the commission of any forcible felony or crime of whatever degree involving theft, fraud, forgery, dishonesty, or deceit; or~~

(2) Any person who has any debt, as defined in Section 2-32-094(a), unless such debt has been satisfied or otherwise resolved within the meaning of Section 2-32-094(a); or

(3) Any person whose permit under this chapter has been revoked for cause within the past three years.

(e) *Continuing Eligibility – Required.* Eligibility for a permit under this chapter shall be a continuing requirement for maintaining such permit.

SECTION 10. Section 6-10-010 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

6-10-010 Declaration of City policy.

It is the policy of the City of Chicago to assure that all persons within its jurisdiction shall have equal access to public services and shall be protected in the enjoyment of civil rights, and to promote mutual understanding and respect among all who live and work within this city.

The City Council of the City of Chicago hereby declares and affirms:

That prejudice, intolerance, bigotry, and the discrimination occasioned thereby, and sexual harassment, threaten the rights and proper privileges of the ~~city's~~ City's inhabitants and menace the institutions and foundation of a free and democratic society; and

That behavior which denies equal treatment to any individual because of that individual's race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, source of income, credit history (within the meaning of Section 6-10-053), or ~~criminal record~~ or criminal history (within the meaning of Section 6-10-054) undermines civil order and deprives persons of the benefits of a free and open society.

Nothing in this ordinance shall be construed as supporting or advocating any particular lifestyle or religious view. To the contrary, it is the intention of this ordinance that all persons be treated fairly and equally and it is the express intent of this ordinance to guarantee to all of our residents fair and equal treatment under law.

SECTION 11. Section 6-10-020 of the Municipal Code of Chicago is hereby amended by adding the language underscored, as follows:

6-10-020 Definitions.

Whenever used in this chapter:

"Age" means chronological age of not less than 40 years.

"Applicant" means any person pursuing employment with an employer or with or through an employment agency.

"Arrest record" means: (1) an arrest not leading to a conviction; (2) a juvenile record; or (3) criminal history record information ordered, expunged, sealed, or impounded under Section 5.2 of the Criminal Identification Act.

"Commission" means the Chicago Commission on Human Relations.

"Conviction record" means information indicating that a person has been convicted of a felony, misdemeanor, or other criminal offense, placed on probation, fined, imprisoned, or paroled by a court of any jurisdiction pursuant to any law enforcement or military authority.

"Credit history" means a record of an individual's past borrowing and repaying, including information about late payments and bankruptcy.

(Omitted text is unaffected by this ordinance)

SECTION 12. Section 6-10-054 of the Municipal Code of Chicago is hereby amended by adding the language underscored, and by deleting the language struck through, as follows:

6-10-054 ~~Criminal record or criminal history.~~

(a) Employers shall not inquire into or use arrest record as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges, or conditions of employment.

(1) This subsection (a) does not prohibit a potential employer from requesting or utilizing sealed felony conviction information obtained from the Illinois State Police under the provisions of Section 3 of the Criminal Identification Act or under other State or federal laws or regulations that require criminal background checks in evaluating the qualifications and character of an employee or a prospective employee.

(2) The prohibition against the use of an arrest record shall not be construed to prohibit an employer from obtaining or using other information which indicates that a person actually engaged in the conduct for which the individual was arrested.

~~(b) Employers that are not subject to the Illinois Job Opportunities for Qualified Applicants Act, including the City of Chicago, may not shall not use a person's inquire about or into, consider, or require disclosure of an applicant's criminal record or criminal history conviction record as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment, unless: until after the applicant has been determined qualified for the relevant position and notified that he has been selected for an interview, or, if there is no interview, until after a conditional offer of employment is extended to the applicant~~

~~The prohibitions set forth in this subsection 6-10-054(a) do not apply where:~~

~~(1) or state applicable law excludes applicants with certain criminal convictions from the relevant position;~~

~~(2) a standard fidelity bond or an equivalent bond is required for the relevant position, and an applicant's conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond, in which case an employer may include a question or otherwise inquire whether the applicant has ever been convicted of any of those offenses; or~~

~~(3) the relevant position requires a license under the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1, et seq. there is a substantial relationship between one or more of the criminal offenses in the person's conviction record and the employment sought or held; or~~

~~(4) the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.~~

~~For the purposes of this subsection (a), "substantial relationship" means a consideration of whether the employment position offers the opportunity for the same or a similar offense to occur and whether the circumstances leading to the conduct for which the person was convicted will recur in the employment position.~~

~~(b) (c) Factors considered. In making a determination pursuant to subsection (a)(3) and (a)(4), the employer shall consider the following factors:~~

~~(1) the length of time since the conviction;~~

~~(2) the number of convictions that appear on the conviction record;~~

~~(3) the nature and severity of the conviction and its relationship to the safety and security of others;~~

~~(4) the facts or circumstances surrounding the conviction;~~

~~(5) the age of the employee at the time of the conviction; and~~

~~(6) evidence of rehabilitation efforts.~~

~~This subsection 6-10-054(a) does not prohibit providing written notice of specific offenses that will disqualify an applicant from employment in a particular position.~~

~~If the City of Chicago, subsequent to interviewing or extending a conditional offer of employment to an applicant, determines that he has a criminal conviction, that fact, standing alone, shall not automatically disqualify the applicant from employment. Instead, the decision whether to employ the applicant shall take into account the following factors:~~

~~(1) the nature of the applicant's specific offense or offenses;~~

~~(2) the nature of the applicant's sentencing;~~
~~(3) the applicant's number of convictions;~~
~~(4) the length of time that has passed following the applicant's most recent conviction;~~
~~(5) the relationship between the applicant's crimes and the nature of the relevant position;~~
~~(6) the age of the applicant at the time of his most recent conviction;~~
~~(7) any evidence of rehabilitation, including, but not limited to, whether the applicant has completed a treatment or counseling program or received a certification of relief from disabilities or good conduct;~~
~~(8) the extent to which the applicant has been open, honest, and cooperative in examining his background; and~~
~~(9) any other information relevant to the applicant's suitability for the relevant position.~~

~~(e) (d) In the event any employer, including one subject to the Illinois Job Opportunities for Qualified Applicants Act, makes a preliminary decision that the applicant's or employee's conviction record disqualifies the applicant or employee, the employer shall notify the applicant or employee of this preliminary decision in writing. not to hire an applicant that is based, entirely or partially, on the applicant's criminal record or history, the employer shall inform the applicant of this basis at the time he is informed of the decision.~~

~~(1) Notification. The notification shall contain all of the following:~~

~~(A) notice of the disqualifying conviction or convictions or anything else in the conviction record that is the basis for the preliminary decision and the employer's reasoning for the disqualification;~~

~~(B) a copy of the conviction record, if any; and~~

~~(C) an explanation of the applicant's or employee's right to respond to the notice of the employer's preliminary decision before that decision becomes final. The explanation shall inform the employee that the response may include, but is not limited to, submission of evidence challenging the accuracy of the conviction record that is the basis for the disqualification, or evidence in mitigation, such as rehabilitation.~~

~~(2) Employee response. The applicant or employee shall have at least 5 business days to respond to the notification provided to the applicant or employee before the employer may make a final decision.~~

~~(3) Final decision. The employer shall consider information submitted by the applicant or employee before making a final decision. If an employer makes a final decision to disqualify or take an adverse action solely or in part because of the applicant's or employee's conviction record the employer shall notify the applicant or employee in writing of the following:~~

~~(A) notice of the disqualifying conviction or convictions or anything else in the conviction record that is the basis for the final decision and the employer's reasoning for the disqualification;~~

~~(B) any existing procedure the employer has for the applicant or employee to challenge the decision or request reconsideration; and~~

~~(C) the right to file a complaint with the Commission.~~

SECTION 13. This ordinance shall be in full force and effect following due passage and publication.

Walter Burnett, Jr.
Alderman Walter Burnett, Jr.
27th Ward

[Signature] 331d

[Signature] 47th

[Signature] 3rd

[Signature] 36th

[Signature] 25th

[Signature] 35

[Signature] 31st

[Signature] (29)

[Signature] 32

[Signature] 22

[Signature] 25

[Signature] 15

[Signature] 40th

[Signature]

[Signature] 30

[Signature] 1st

[Signature] 38th

[Signature] 21

B ~ J (42)

Mary Seat 24th

Tyrone (43)

Dank Carter (18)

John Bruce¹²

Edward K. Burke

Susan Sadlowski¹⁰

Cathy all Beale

Leslie^{5th}

Joe 41

Paulⁿ

James Caplan 46

Michelle Adams^{8th}

Wendy - OHL (19)

Bob 20

Colman (16)

Rob A J (16)

John 48

W. Hadden 49

Quint John 50

Steve (17)

Bill May 39

Chicago City Council, **April 19, 2023**

To the President and Members of the City Council:


Your Committee on License and Consumer Protection, having under consideration an ordinance introduced by **Alderman Walter Burnett, Jr. and others** (which was referred on **March 15, 2023**):

to amend to amend Titles 2, 4 and 6 of the Municipal Code of Chicago modifying various sections regarding criminal history,

begs leave to recommend that Your Honorable Body *p a s s* the ordinance which is transmitted herewith.

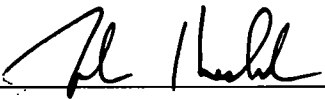
This recommendation was concurred in by members of the License Committee on **April 17, 2023**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Emma Mitts", written over a horizontal line.

EMMA MITTS
CHAIRMAN, COMMITTEE ON
LICENSE AND CONSUMER
PROTECTION


APPROVED



ACTING CORPORATION COUNSEL

DATED: 4/24/2023

APPROVED



MAYOR

DATED: 4/24/2023