



Office of the Chicago City
Clerk



O2012-681

Office of the City Clerk

City Council Document Tracking Sheet

Meeting Date: 2/15/2012

Sponsor(s): Balcer, James (11)
Burke, Edward M. (14)
Cochran, Willie (20)
Austin, Carrie M. (34)

Type: Ordinance

Title: Amendment of Chapter 8-26 of Municipal Code by adding
new Section 100 concerning impoundment and penalties for
Gun Offender Registration

Committee(s) Assignment: Committee on Public Safety

ORDINANCE

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

SECTION 1. Section 8-26-100 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

CHAPTER 8-26

GUN OFFENDER REGISTRATION ORDINANCE

(Omitted text is unaffected by this ordinance)

8-26-100 Violation – Penalty.

(a) Any person who violates any provision of this chapter, or rule or regulation promulgated hereunder, shall, upon conviction, be fined not less than \$300.00 nor more than \$500.00 or be incarcerated for a term not to exceed six months, or both. Each day that such violation exists shall constitute a separate and distinct offense.

(b) Any motor vehicle operated by a person in violation of this chapter, or rule or regulation promulgated hereunder, shall be subject to seizure and impoundment pursuant to section 2-14-132 of this Code.

(c) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle or any person who is found to be in control of the vehicle at the time of the alleged violation, of the fact of the seizure and of the vehicle owner's right to request a vehicle impoundment hearing to be conducted under section 2-14-132 of this Code.

(d) The provisions of section 2-14-132 of this Code shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

SECTION 2. Section 2-14-132 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

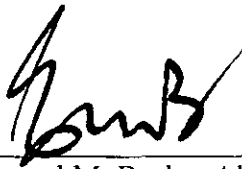
2-14-132 Impoundment.

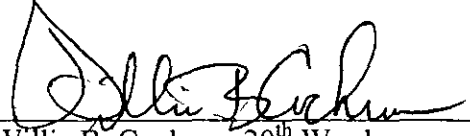
(1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 3-56-155, 4-68-195, 9-80-220 or 9-112-555 of this Code (for purposes of this section, the "status-related offense sections"), or Sections 7-24-225, 7-24-226, 7-28-390, 7-28-440, 7-38-115(c-5), 8-4-130, 8-8-060, 8-20-070, 8-26-100, 9-12-090, 9-76-145, 9-80-240, 9-92-035, 11-4-1410, 11-4-1500 or 15-20-270 of this Code (for purposes of this

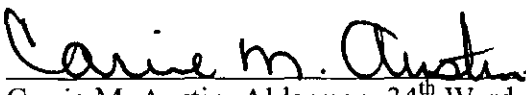
section, the "use-related offense sections") requests a preliminary hearing in person and in writing at the department of administrative hearings, within 15 days after the vehicle is seized and impounded, an administrative law officer of the department of administrative hearings shall conduct such preliminary hearing within 48 hours of request, excluding Saturdays, Sundays and legal holidays, unless the vehicle was seized and impounded pursuant to Section 7-24-225 and the department of police determines that it must retain custody of the vehicle under the applicable state or federal forfeiture law. If, after the hearing, the administrative law officer determines that there is probable cause to believe that the vehicle was used in a violation of this Code for which seizure and impoundment applies, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle is eligible for impoundment under that section, the administrative law officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle pays to the city the amount of the administrative penalty prescribed for the code violation plus fees for towing and storing the vehicle. If the vehicle is also subject to immobilization for unpaid parking and/or compliance violations, the owner of the vehicle must also pay the amounts due for all such outstanding violations prior to the release of the vehicle. If the administrative law officer determines there is no such probable cause, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle has previously been determined not to be eligible for impoundment under that section, the vehicle will be returned without penalty or other fees.

SECTION 3. This ordinance shall be in full force and effect upon its passage and publication.


James A. Balcer, Alderman, 11th Ward


Edward M. Burke, Alderman, 14th Ward


Willie B. Cochran, 20th Ward


Carrie M. Austin, Alderman, 34th Ward