



City of Chicago



O2016-6448

Office of the City Clerk

Document Tracking Sheet

Meeting Date:	9/14/2016
Sponsor(s):	Quinn (13)
Type:	Ordinance
Title:	Amendment of Municipal Code Chapter 2-64 to restrict access to public libraries by child sex offenders
Committee(s) Assignment:	Committee on Public Safety

~~SUBSTITUTE~~
ORDINANCE

Public Safety

WHEREAS, The City of Chicago ("City") is a home rule municipality as described in Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, and as such may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, The City established by ordinance at Chapter 2-64 of the Municipal Code of Chicago the Chicago Public Library; and

WHEREAS, The City established the Library to be a free public library and reading room for the use of all residents of the City; and

WHEREAS, Certain users of the Library include persons who have been convicted of sex offenses against children, and who are now required to register as sex offenders under the laws of the State ("Child Sex Offenders"); and

WHEREAS, Certain users of the Library include persons under the age of 18; and

WHEREAS, The laws of the State prohibit or set restrictions on activities in which Child Sex Offenders may engage, and places they may go, including: volunteering at facilities providing programs exclusively directed toward persons under the age of 18; going inside or being within 500 feet of a public school building; being within 100 feet of the site of a school bus pick-up or drop-off; being in a public park building, a playground or recreation area when persons under the age of 18 are present; or being within 500 feet of a child care institution or day care center; and

WHEREAS, The City has an obligation to protect and promote the health, safety and welfare of all of its residents; and

WHEREAS, The City must balance the constitutional rights of Child Sex Offenders to use the Library with the need to protect Library patrons under the age of 18 from harm; and

WHEREAS, The Mayor and City Council of the City of Chicago find that it is important to the protection and promotion of the health, safety and welfare of all residents of the City to set restrictions on access to the Library by Child Sex Offenders; now, therefore,

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

SECTION 1. The foregoing recitals are adopted and are incorporated into and made a part of this Ordinance.

SECTION 2. Section 2-64-020 of the Municipal Code of Chicago is hereby amended by deleting the struck-through text and inserting the underscored text, as follows:

2-64-020 Board of directors – Statutory authority.

The board of directors provided for by statute and appointed in accordance therewith shall have control and management of all matters pertaining to the Chicago Public Library in accordance with the provisions of the Illinois Local Library Act, as amended. The board shall have the authority to rent out rooms and space within library buildings for private use, but in no event shall any such rental exceed one day or be for the purpose of sale of any thing or service to library patrons, except with the prior approval of the city council. The form of such rental agreements shall be subject to approval of the corporation counsel. The board in its bylaws may impose reasonable fees for the borrowing of films and recordings, as well as reasonable charges for the late return or failure to return library materials of any nature. Nothing in this section or in the bylaws of the board prohibits or restricts the right of the city to prosecute any person under Sections 2-64-040, and 2-64-050, and 8-16-127 of this Code.

SECTION 3. Chapter 8-16 of the Municipal Code of Chicago is hereby amended by creating a new Section 8-16-127, as follows:

8-16-127 Access to the Chicago Public Library by a child sex offender.

(a) For purposes of this section:

“Child Sex Offender” has the same meaning as that set forth in the Criminal Code of 2012 at 720 ILCS 5/11-9.3(d)(1).

“Designated Child Area” means that portion or area of a Library reserved for use primarily by persons under the age of 13.

“Designated Child Program” means any program conducted in a Library directed toward persons under the age of 13.

“Designated Teen Area” means that portion or area of a Library reserved for use primarily by persons between the ages of 13 and 18.

“Designated Teen Program” means any program conducted in a Library directed toward persons between the ages of 13 and 18.

“Library” means the main library and all regional and branch libraries of the Chicago Public Library, and includes parking lots, patios, and other outdoor spaces under the control of a library.

“Son or Daughter” means a person of less than 13 years of age who is a biological child, adoptive child, stepchild, foster child, or legal ward.

(b) Except as provided in this section, a Child Sex Offender shall have access to any Library subject to the same policies, bylaws, terms, rules, and regulations applicable to all patrons.

(c) Except as provided in subsection (d), a Child Sex Offender is prohibited from entering into and/or remaining in a Designated Child Area or a Designated Teen Area, and is prohibited from attending a Designated Child Program or Designated Teen Program, or being present in the place where a Designated Child Program or Designated Teen Program is being held.

(d) A Child Sex Offender may be present in a Designated Child Area or attend a Designated Child Program only when accompanied by the Child Sex Offender’s Son or Daughter, provided such Son or Daughter remains in the immediate area of the Child Sex Offender at all times while the Child Sex Offender is in the Designated Child Area or attending the Designated Child Program. This subsection (d) shall not apply to a Child Sex Offender who engages in conduct creating a risk of harm to others, or who is otherwise violating any law, statute, ordinance, or Chicago Public Library or Library policy, bylaw, term, rule, or regulation.

(e) The Library board of directors or its designee shall identify any Designated Child Area or Designated Teen Area, and shall ensure that each Designated Child Area or Designated Teen Area is prominently marked with signage uniform across all Libraries identifying it as such. When identifying a Designated Child Area or Designated Teen Area, the board of directors or its designee shall ensure that an adequate portion or area of the Library remains outside the Designated Child Area or Designated Teen Area to ensure access to the Library by all patrons.

(f) The Library board of directors or its designee shall identify any Designated Child Program or Designated Teen Program as such in any on-line or printed registration or promotional materials, and shall post temporary signage uniform across all Libraries at the location and for the duration of that Program identifying it as such.

(g) Any person who violates subsection (c) or (d) of this section shall be subject to arrest and immediate removal from the Library, and a fine of not less than \$500.00 or more than \$1,000.00 for each offense. Such violation may also result in expulsion from all Library facilities and suspension of Library privileges.

SECTION 4. This Ordinance shall be in full force and effect 10 days following passage and publication.

A handwritten signature in black ink, appearing to be 'M. J. Smith', written in a cursive style.