



# City of Chicago



O2017-8319

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 11/15/2017

**Sponsor(s):** Ervin (28)  
Zalewski (23)  
Munoz (22)  
Scott, Jr. (24)  
Moore (17)  
Curtis (18)  
Lopez (15)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Section 8-4-016 by  
regulating prostitution-related loitering

**Committee(s) Assignment:** Committee on Public Safety



## ORDINANCE

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

**SECTION 1.** Section 8-4-016 of the Municipal Code of Chicago is hereby created, inserting the language below, as follows:

#### **8-4-016 Prostitution-related loitering.**

(a) Whenever a police officer observes one or more persons engaged in prostitution-related loitering in any public place designated for the enforcement of this section under subsection (b), the police officer shall: (i) inform all such persons that they are engaged in loitering within an area in which such loitering is prohibited; (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued; and (iii) inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further prostitution-related loitering within sight or hearing of the place at which the order was issued during the next eight hours.

(b) The superintendent of police shall by written directive designate areas of the city in which enforcement of this section is necessary because the areas are frequently associated with prostitution-related loitering. Prior to making a determination under this subsection, the superintendent shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of prostitution-related activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the department of police with special training or experience related to prostitution-related activity; other personnel of that department with particular knowledge of prostitution-related activities in the proposed designated area; elected and appointed officials of the area; community-based organizations; and participants in the Chicago Alternative Policing Strategy who are familiar with the area. The superintendent shall develop and implement procedures for the periodic review and update of designations made under this subsection.

(c) As used in this section:

(1) *Prostitution-related loitering* means remaining in any one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to facilitate commission of prostitution as defined in 720 ILCS 5/11-14 or soliciting for a prostitute as defined in 720 ILCS 5/11-14.1, soliciting for a juvenile prostitute as defined in Section 720 ILCS 5/11-18 or patronizing a juvenile prostitute as defined in 720 ILCS 5/11-18.1.

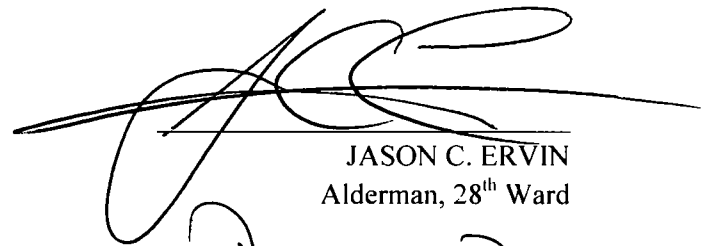
(2) *Public place* means the public way and any other location open to the public, whether publicly or privately owned.

(d) Any person who fails to obey promptly an order issued under subsection (a), or who engages in further prostitution-related loitering within sight or hearing of the place at which such an order was issued during the eight-hour period following the time the order was issued, is subject to a fine of not less than \$100.00 and not more than \$500.00 for each offense, or imprisonment for not more than six months for each offense, or both. A second or subsequent offense shall be punishable by a mandatory minimum sentence of not less than five days imprisonment.

In addition to or instead of the above penalties, any person who violates this section may be required to perform up to 120 hours of community service pursuant to Section 1-4-120 of this Code.

(e) Upon a third or subsequent conviction for a violation of subsection (d) of this section or subsection (e) of Section 8-4-015 or Section 8-4-017, or any combination thereof, within any 12-month period, a court, in addition to imposing the penalties prescribed in that subsection, shall enter an order requiring the convicted person to refrain, for a mandatory period of 30 days, from narcotics-related loitering, prostitution-related loitering, or gang-loitering as defined in Section 8-4-015, Section 8-4-016, or Section 8-4-017, within sight and hearing of the place of the police officer's order issued under subsection (a) which served as the basis for the person's most recent conviction, unless circumstances strongly mandate that such period should be shorter. Such an order must be obeyed regardless of whether any additional warning or notice is given to the person. Any person who violates an order issued by a court under this subsection (e) shall be subject to a mandatory minimum sentence of not less than five days imprisonment but not more than six months imprisonment, plus a fine of not less than \$100.00 and not more than \$500.00, for each violation. In addition to or instead of the penalties prescribed in this subsection (e), any person who violates an order issued by a court under this subsection (e) may be required to perform up to 120 hours of community service pursuant to Section 1-4-120 of this Code.

**SECTION 2.** This ordinance shall take effect following passage and publication.



JASON C. ERVIN  
Alderman, 28<sup>th</sup> Ward

*Mulcaugh - 23*

*Rob. May 22nd*

*Paul Scott 24*

*Mike 17*

*Daniel Carter 18*

