



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2016-4878

**Type:** Ordinance      **Status:** Failed to Pass

**File created:** 6/22/2016      **In control:** City Council

**Final action:**

**Title:** Amendment of Municipal Code Chapter 8-4 regarding inciting of riots and acts of hate crimes

**Sponsors:** Burke, Edward M., Curtis, Derrick G., O'Shea, Matthew J., Willie B. Cochran, Taliaferro, Chris, Sposato, Nicholas, Napolitano, Anthony V.

**Indexes:** Ch. 4 Public Peace & Welfare

**Attachments:** 1. O2016-4878.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
6/22/2016	1	City Council	Referred	

### ORDINANCE

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

SECTION 1. Chapter 8-4 of the Municipal Code of Chicago is hereby amended by deleting the language stricken through and inserting the language underscored, as follows:

#### 8-4-020      **Inciting riots, etc.**

It is unlawful to create a clear and present danger of a riot or assault, battery, or other unlawful trespass against any person or group of persons because of his or her race, religion, color, national origin, past or current employment as a law enforcement officer, firefighter, or an emergency medical services provider, active or prior military status, or ancestry, or to create a clear and present danger of arson, vandalism, defacement, or other unlawful trespass against property because of the race, religion, color, national origin, active or prior military status, or ancestry of the owner, possessor, or authorized user or users of said property, or, in the case of a cemetery, of the decedent buried therein.

The term "person" as used in this section shall include one or more individuals, copartnerships, corporations, firms, organizations, associations, leagues, or other bodies.

Any person violating the provisions of this section shall be fined not less than \$25.00 nor more than \$500.00 or imprisoned for not less than ten days or more than six months, or both, for each offense.

#### 8-4-085      **Hate crimes.**

(a) No person shall, by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon, the actual or perceived race, color, sex, religion, national origin, age, ancestry, sexual orientation, past or current employment as a law enforcement officer, firefighter, or an emergency medical services provider, active or prior military status, or mental or physical disability of another individual or group of individuals:

- 1) Commit assault as defined in Section 12-1 of the Illinois Criminal Code of 1961 (Illinois Revised Statutes Chapter 38, paragraph 12-1); or
- 2) Deface, mar, injure, destroy or remove property in violation of Section 8-4-040 of this Code; or
- 3) Commit trespass as defined in Section 8-4-050 of this Code; or
- 4) Commit vandalism as defined in Section 8-4-060 of this Code; or
- 5) Disturb a place of worship in violation of Section 8-4-110 of this Code; or

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- (6) Engage in harassment by telephone as defined in Section 1-1 of "An Act to prohibit the use of telephone and telegraph lines for the sending of certain messages" (Illinois Revised Statutes Chapter 134, paragraph 16-4.1).

b) Any person who violates this section shall be subject to a fine of up to \$2<sup>^</sup>500.00 or may be imprisoned for not more than six months, or may be subject to both such fine and imprisonment. In addition to such penalty, any person found guilty of violating this section may be ordered to pay restitution to the aggrieved party, and may be ordered to perform community service pursuant to Section 1-4-120 of this Code.

c) Notwithstanding any other provision of this section, any conduct in violation of this section that is punishable under state or federal law by a term of imprisonment in excess of six months shall not be prosecuted under this section.

- d) As used in this section,

"active or prior military status" means any active duty or former military service personnel of the United States Armed Services, including the Reserves, National Guard and the Reserve Officers' Training Corps (ROTO).

"emergency medical services provider" has the meaning ascribed to the term "emergency medical services personnel" in the Emergency Medical Services (EMS) Systems Act, codified at 210 ILCS 50/1 etseq.

"firefighter" means any person employed by a fire department or fire protection district or employed by a state university and sworn or commissioned to perform firefighter duties or paramedic duties.

"law enforcement officer" means any person (1) employed by a state, county, municipality, special district, college, unit of government, or any other entity authorized by law to employ peace officers or exercise police authority and (2) vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses.

"sexual orientation" means heterosexuality, homosexuality or bisexuality.

e) ~~As used in this section, "active or prior military status" means any active duty or former military service personnel of the United States Armed Services, including the Reserves, National Guard and the Reserve Officers' Training Corps (ROTC).~~

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

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Alderman Derrick G. Curtis 18<sup>h</sup> Ward

Alderman Maf<sup>^</sup>hjbw J. O'Shea

Alderman Christopher Taliaferro 29<sup>th</sup> Ward

Alderman Nicholas Sposato  
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