



Office of the City Clerk

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Legislation Details (With Text)

File #: O2018-3689
Type: Ordinance **Status:** Passed
File created: 4/18/2018 **In control:** City Council
Final action: 4/18/2018
Title: Amendment of Municipal Code Section 8-4-148 regarding restrictions on sale of body armor
Sponsors: Burke, Edward M.
Indexes: Ch. 4 Public Peace & Welfare
Attachments: 1. O2018-3689.pdf

Date	Ver.	Action By	Action	Result
4/18/2018	1	Committee on Finance	Recommended to Pass	
4/18/2018	1	City Council	Passed	Pass
4/16/2018	1	Committee on Finance	Direct Introduction	

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ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6(a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including the power to regulate for the protection of the public health, safety, morals, and welfare; and

WHEREAS, the City of Chicago is dedicated to the protection of public safety and welfare of all Chicagoans; and

WHEREAS, body armor is a type of protective clothing made of woven or laminated fibers such as Kevlar that can be used to reduce or stop the penetration of most handgun and small arms ammunition; and

WHEREAS, soft body armor, such as bulletproof vests, are commonly worn by emergency responders, security guards, and high profile civilians such as elected national leaders; and

WHEREAS, since the mass production of bulletproof vests in the 1970s, any upstanding citizen

wishing to acquire and wear body armor for personal protection has generally been able to do so; and

WHEREAS, the United States federal government only prohibits the purchase, ownership and possession of body armor by felons convicted of violent crimes; and

WHEREAS, body armor regulations notwithstanding, the United States continues to face an unprecedented crisis of gun violence; and

WHEREAS, there are more mass shootings and more guns in the United States than any other nation, and nearly half of the world's mass shootings occur in the United States; and

WHEREAS, of the 30 deadliest shootings in modern American history, 18 have occurred in the last decade; and

WHEREAS, the Sandy Hook Elementary School shooting and the Aurora, Colorado movie theater massacre, which are two of the deadliest mass shootings in U.S. history, were carried out by gunmen who were wearing body armor; and

WHEREAS, although there are current federal and state prohibitions on the purchase and possession of body armor by convicted felons, the ease with which a seemingly ordinary person may purchase body armor has resulted in deadly consequences; and

WHEREAS, in Illinois, any adult can purchase body armor either online or in person unless that adult has been convicted of a felony; and

WHEREAS, in addition, Illinois does not require any form of identification or background check for the purchase of body armor in a store, at a gun show, on a website, over the phone, or through a catalog; and

WHEREAS, it is the responsibility of the consumer to ascertain whether or not they are legally able to purchase body armor, with no such responsibility extending to retailers; and

WHEREAS, retailers of body armor are not liable for how consumers choose to use such body armor after it is sold, making it the responsibility of the felon to refrain from purchasing it; and

WHEREAS, on February 13, 2018, Chicago Police Department Commander Paul Bauer was tragically murdered in broad daylight by a four-time felon wearing a bulletproof vest; and

WHEREAS, the use of body armor by a would-be offender in a potential shooting inherently increases

the probability of such individuals carrying out their violent premeditations; and

WHEREAS, without the necessary restrictions in place to deter potential criminals from purchasing and possessing body armor, Chicagoans face an insurmountable threat if felons and other potential offenders continue to acquire such protection; and

WHEREAS, prohibiting the sale and possession of body armor throughout the City to all persons, with the exception of emergency responders, licensed security officers, City parking enforcement aides and booters, and members of the United States armed forces, will help prevent both felons and potential offenders from acquiring and using such protection and ensure the safety of all Chicagoans; now, therefore

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

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Section 8-4-148 of the Municipal Code of Chicago is hereby amended by adding the underlined language and deleting the stricken through language as follows:

8-4-148 Sale or possession of body armor.

a) As used in this section:

(1) "Body Armor" means any one of the following:

i) A military style flak or tactical assault vest which is made of Kevlar or any other similar material or metal, fiberglass, plastic, or nylon plates and designed to be worn over one's clothing for the intended purpose of stopping not only missile fragmentation from mines, grenades, mortar shells and artillery fire but also fire from rifles, machine guns, and small arms.

ii) Soft body armor which is made of Kevlar or any other similar material or metal or any other type of insert and which is lightweight and pliable and which can be easily concealed under a shirt.

iii) A military style recon/surveillance vest which is made of Kevlar or any other similar material and which is lightweight and designed to be worn over one's clothing.

iv) Protective casual clothing which is made of Kevlar or any other similar material and which was originally intended to be used by undercover law enforcement officers or dignitaries and is designed to look like jackets, coats, raincoats, quilted or three piece suit vests.

v) Body armor does not include non-ballistic protective clothing or protective gear lined with Kevlar that are manufactured, advertised, and sold as motorcycle protective clothing.

(2) "Emergency Responder" means any police officer, firefighter, paramedic, or emergency medical technician employed by, or performing their official duties within, the City of Chicago.

(3) "News Media" means any newspaper or other periodical issued at regular intervals whether in print or electronic format and having a general circulation: a news service whether in print or electronic format: a radio station: a television station: a television network: a community antenna television service: and any person or corporation engaged in making news reels or other motion picture news for public showing.

b) No person shall sell, offer for sale, possess, or purchase body armor.

c) *The provisions of this section shall not apply to sales to, or purchase or possession by, ~~active or retired peace officers; members of the United States armed forces; emergency responders; retired police officers; licensed security officers; or employees of the City of Chicago, State of Illinois, federal government, or other unit of local government when such employees are on duty and acting in their official capacities.~~*

(1) active or retired peace officers:

(2) retired police officers:

3) members of the United States armed forces, emergency responders, or licensed security officers:

4) employees of the City of Chicago, State of Illinois, federal government, or other unit of local government when such employees are on duty and acting in their official capacities:

5) employees of the news media when such employees are on duty and acting in their official capacities:

6) persons authorized and permitted to acquire body armor for use solely as props for a motion picture, television, or video production entertainment.

d) Any person who violates this section shall be subject to a fine of not less than \$500.00 and not more than \$1,000.00.

e) Violations of this Section by a licensee shall be grounds for revocation or suspension of such license. For purposes of this Section, "license" includes any and all licenses issued by any officer, department or agency of the City of Chicago required for retail or other business operations at the location at which the offense occurred, and includes but is not limited to retail licenses. For purposes of this Section, each sold item equals one violation.

f) Severability. If any section, subsection, paragraph, or part of this ordinance is for any reason held to be unconstitutional or invalid by any final court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.

SECTION 3. This ordinance shall take full force and effect 120 days after its passage and publication.

SECTION 4. This ordinance shall amend ordinance number SO2018-934 regarding Body Armor

approved by the Chicago City Council on March 28,2018 by changing the effective date of that ordinance from passage and publication plus 10 days to passage and publication plus 120 days.

Patrick J. O'Connor Alderman, 40th Ward

**Ariel E. Reboyras
Alderman, 30th Ward**

**Willie B. Cochran
Alderman, 20th Ward**

Deborah Mell Alderman, 33rd Ward

CHICAGO April 18,2018

To the President and Members of the City Council:

Your Committee on Finance having had under consideration an ordinance concerning the authority to amend Section 8-4-148 of the Municipal Code of Chicago regarding the prohibited sale and possession of body annor.

Direct Introduction

Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith.

This recommendation was concurred in by (awiva voce vote
of members of the committee with **dissenting vote(s)**

Document No.

REPORT OF THE COMMITTEE ON FINANCE TO THE CITY COUNCIL CITY OF CHICAGO