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Legislation Details (With Text)

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Title: Amendment of Municipal Code Section 8-4-355 regarding enhanced penalties for offenses committed in student safety zones, parks or playgrounds

Sponsors: Hairston, Leslie A., Dowell, Pat, Suarez, Regner Ray, Chandler, Michael D., Sposato, Nicholas, Brookins, Jr., Howard, Sawyer, Roderick T., Holmes, Natasha, Fioretti, Bob, Beale, Anthony, Burke, Edward M., Harris, Michelle A., Pope, John, Graham, Deborah L., Mell, Deborah, Cardenas, George A., Balcer, James, Willie B. Cochran, Quinn, Marty, Thompson, JoAnn, Foulkes, Toni, Mitts, Emma, Lane, Lona, Arena, John, Pawar, Ameya, Moreno, Proco Joe, Osterman, Harry, Moore, Joseph, Solis, Daniel, Munoz, Ricardo, Tunney, Thomas, Smith, Michele, Cullerton, Timothy M., Reilly, Brendan, Colón, Rey, Reboyras, Ariel, Austin, Carrie M., Zalewski, Michael R., Cappleman, James, O'Connor, Patrick, O'Connor, Mary

Indexes: Title 8 - Offenses Affecting Public Peace, Morals & Welfare

Attachments: 1. O2014-5055.pdf, 2. SO2014-5055.pdf

Date	Ver.	Action By	Action	Result
1/21/2015	1	City Council	Passed as Substitute	Pass
1/20/2015	1	Committee on Public Safety	Substituted in Committee	Pass
6/25/2014	1	City Council	Referred	

Title:

Committee(s) Assignment:

Amendment of Municipal Code Section 8-4-355 concerning enhanced penalties for offenses committed in student safety zones, parks or playgrounds Committee on Public Safety

**SUBSTITUTE
ORDINANCE**

SECTION 1. Section 8-4-355 of the Municipal Code of Chicago is hereby amended by inserting the underscored text and deleting the struck-through text as follows:

8-4-355 Enhanced penalties for offenses committed in student safety zones, parks or playgrounds.

(a) Definitions. For purposes of this section, the following definitions apply:

(1) "Park" means any public park or playground that is not part of a school, during the times of allowed access pursuant to Section 10-36-110. and "playground" means any playground area that is part of a school, during the times of allowed access set forth in Section 10-36-120.

ft) {2} "School" means any public, private, or parochial elementary, middle, or secondary school in the City of Chicago.

(3) (3) "School zone" means:

- (A) in a school or on its grounds; or
- (B) within 1,000 feet of the grounds of a school.

3) (4) "School activity" means any extracurricular event occurring in a school (the "host school") or on its grounds that is announced to the public via the Internet at least one day in advance. The online announcement shall state the starting and ending times of the event. If the event does not have a set ending time, the announcement shall state an estimated ending time. If an event is not announced online at least one day in advance, or if the online announcement does not state both the starting time and the set or estimated ending time, the event does not qualify as a "school activity" for purposes of this section.

4) (5) "Safe passage route" means any portion of the public way designated by the Mayor of the City of Chicago, or his designee, for use by students travelling to and from a particular school (the route's "associated school"). The locations of safe passage routes and the identities of their associated schools shall be made available to the public via the Internet.

5) (6) "Student safety zone" means:

- A) any school zone between the hours of 6:00 A.M. and 7:00 P.M. on any day the school is in session;
- B) the school zone of any host school during any school activity, and within 60 minutes before the starting time and 60 minutes after the set or estimated ending time of such school activity, as announced online pursuant to subsection (a)(3) of this section;
- C) any safe passage route between the hours of 6:00 A.M. and 7:00 P.M. on any day the associated school is in session;
- D) any safe passage route during any school activity at the route's associated school, and within 60 minutes before the starting time and 60 minutes after the set or estimated ending time of such school activity, as announced online pursuant to subsection (a)(3) of this section; and
- (E) inside any moving or stationary school bus being used to transport school childrent

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~~F) any public park that has a boundary line within a school zone between the hours of 6:00 A.M. and 7:00 P.M. on any day the school is in session; and~~

~~G) any public park that has a boundary line within the host school zone during any school activity, and within 60 minutes before the starting time and 60 minutes after the set or estimated ending time of such school activity, as announced online pursuant to subsection (a)(3) of this section.~~

b) Penalties.

1) The following enhanced penalties shall apply to violations of Sections 8-20-075 and 8-20-085 of this Code that occur in student safety zones, parks or playgrounds:

- A) the penalty for a first offense shall be a fine of not less than \$1,000.00 nor more than \$5,000.00, and incarceration for a term not less than 120 days nor more than six months;
- B) the penalty for a second offense shall be a fine of not less than \$5,000.00 nor more than \$15,000.00, and incarceration for a term not less than 150 days nor more than six months; and
- C) the penalty for a third or subsequent offense shall be a fine of not less than \$10,000.00 nor more than \$20,000.00, and incarceration for a term of six months.

2) The following enhanced penalties shall apply to violations of Section 8-20-060 of this Code that occur in student safety zones, parks or playgrounds:

- A) the penalty for a first offense shall be a fine of not less than \$1,000.00 nor more than \$5,000.00, and incarceration for a term not less than 30 days nor more than six months;
- B) the penalty for a second offense shall be a fine of not less than \$5,000.00 nor

more than \$15,000.00, and incarceration for a term not less than 90 days nor more than six months; and
C) the penalty for a third or subsequent offense shall be a fine of not less than \$10,000.00 nor more than \$20,000.00, and incarceration for a term of six months.

3) The following enhanced penalties shall apply to violations of section 8-24-020 of this Code that occur in student safety zones, parks or playgrounds:

A) the penalty for a first offense shall be a fine of not less than \$500.00 nor more than \$1,000.00, and incarceration for a term not less than 30 days nor more than six months;

B) the penalty for a second offense shall be a fine of not less than \$1,000.00 nor more than \$2,000.00, and incarceration for a term not less than 90 days nor more than six months; and

C) the penalty for a third or subsequent offense shall be a fine of not less than \$2,000.00 nor more than \$5,000.00, and incarceration for a term of six months.

c) If a violation of Section 8-20-060, 8-20-075, 8-20-085, or 8-24-020 occurs in a location that meets both the definition of "school zone" in subsection 8-4-355(a)(3), and either the definition of "park" or "playground" in subsection 8-4-355(a)(1), during a time period that causes enhanced liability to apply under this section pursuant to only one of those definitions, the definition that results in enhanced liability shall apply.

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SECTION II. This ordinance shall be in full force and effect 10 days following due passage and publication.

⁷ Leslie Hairston Alderman, 5th Ward

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James A. Balcer

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City Council

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January 20, 2015

To the President and Members of the City Council:

Your Committee on Public Safety begs leave to report and recommend that Your Honorable Body pass the proposed substitute ordinance amending the Municipal Code Section 8-4-355 concerning enhanced penalties for offenses committed in student safety zones, parks, or playgrounds.

This recommendation was concurred unanimously by a viva voce vote of the Members of the Committee with no dissenting vote. (02014-5055)

(Aid. Leslie Hairston, 5th Ward)

Respectfully submitted,

James A. Balcer Chairman
Committee on Public Safety