



# Office of the City Clerk

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## Legislation Text

File #: SO2013-5431, Version: 1

### SUBSTITUTE ORDINANCE

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

SECTION 1. The Municipal Code of Chicago is hereby amended by adding a new Section 8-4-355, as follows:

Reserved 8-4-355 Enhanced penalties for offenses committed in student safety zones. (a) Definitions. For purposes of this section, the following definitions apply:

- 1) "School" means any public, private, or parochial elementary, middle, or secondary school in the City of Chicago.
- 2) "School zone" means:
  - (A) in a school or on its grounds: or
  - (B) within 1.000 feet of the grounds of a school.
- 3) "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) "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) "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:

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E) inside any moving or stationary school bus being used to transport school children;

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:

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:

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 sections 8-24-020 and 8-24-027 of this Code that occur in student safety zones:

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.

SECTION 2. Section 8-20-300 of the Municipal Code of Chicago is hereby amended by deleting the language stricken and inserting the language underscored, as follows:

**8-20-300 Violation - Penalty.**

a) Unless the enhanced penalty imposed by subsection 8-4-355(b)(2) of this Code applies. Any person who violates section 8-20-020, 8-20-030, 8-20-060, or 8-20-080 shall upon conviction be fined not less than \$1,000.00 nor more than \$5,000.00<sup>A</sup>; and be incarcerated for a term not less than 20 days nor more than 90 days.

Unless the enhanced penalty imposed by subsection 8-4-355(p)(1) of this Code applies. Any person who violates section 8-20-035, 8-20-075, 8-20-085, 8-20-110, or 8-20-280 shall upon conviction be fined not less than \$1,000.00 nor more than \$5,000.00<sup>i</sup>; and be incarcerated for a term not less than 90 days nor more than 180 days.

*(Omitted text is not affected by this ordinance)*

SECTION 3. Section 8-24-020 of the Municipal Code of Chicago is hereby amended by deleting the language stricken and inserting the language underscored, as follows:

**8-24-020 Carrying dangerous weapons.**

*(Omitted text is not affected by this ordinance)*

(g) Unless the enhanced penalty imposed by section 8-4-355(b)(3) of this Code applies. Any person violating the provisions of subsections (a), (c), (d)<sup>A</sup> or (f) of this section shall be fined \$200.00 for each offense, or shall be punished by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.

*(Omitted text is not affected by this ordinance)*

SECTION 4. Section 8-24-027. of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

**8-24-027 Disguised firearms prohibited.**

*(Omitted text is not affected by this ordinance)*

b) Unless the enhanced penalty imposed by subsection 8-4-355(b)(3) of this Code applies. Any person who violates subsection (a) of this section shall be incarcerated for not less than 30 days and not more than 180 days for each offense. Each day of a continuing violation, and each purchase, acquisition, sale, offering or exposing for sale, or possession of a different firearm described in subsection (a) shall constitute a separate and distinct offense.

*(Omitted text is not affected by this ordinance)*

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SECTION 5. The amendments in this ordinance to Section 8-20-300 of the Municipal Code of Chicago are intended to operate in harmony with the amendments to that section in the Assault Weapons Ban Ordinance, which is being introduced concurrently. In the event the Assault Weapons Ban Ordinance does not go into effect on or before September 30, 2013, the references in this ordinance to sections 8-20-075 and 8-20-085 of the Municipal Code of Chicago shall be deemed excised from this ordinance.

SECTION 6. In light of the urgent need to activate the deterrent effect of these enhanced penalties before the beginning of the 2013 school year, pursuant to 65 ILCS 5/1-2-4, this ordinance shall take effect immediately upon its passage and approval, if such passage is by a vote of at least two-thirds of the members of this Council. In the event this ordinance passes by a majority vote of less than two-thirds of the members of this Council, it shall take effect ten days after passage and publication.

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