



Office of the City Clerk

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Legislation Text

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PUBLIC SAFETY

ORDINANCE

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

SECTION 1. Chapter 8-4, Public Peace and Welfare, of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored as new Section 8-4-016:

8-4-016. Streetgang member loitering.

(a) In this Section:

"Loiter" means:

- 1) standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around a public place including a school or public park property; or
- 2) entering or remaining in a building in or around a public place, other than the person's residence.

"Public place" means the public way and any other location open to the public, whether publicly or privately owned, including, but not limited to any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment house, office building, transport facility, shop, privately owned place of business, to which the public is invited, including any place of amusement, entertainment, or eating place. "Public place" also includes the front yard area, driveway and walkway of any private residence, business, or apartment house.

"Streetgang" and "streetgang member" have the meanings ascribed to them in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act, 740 ILCS 147/1 et seq.

(b) A person commits streetgang member loitering when he or she is a streetgang member or is in the company of or acting in concert with a streetgang member and knowingly loiters in a public place under any of the following circumstances:

(1) with the intent to publicize a criminal streetgang's dominance over certain territory in order to intimidate non-members of the streetgang from entering, remaining in, or using the public place or adjacent area; or

activity. (2) with the intent to conceal ongoing commerce in illegal drugs or other unlawful

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c) Nothing in this Section shall be construed in any way to limit the power or right of a law enforcement officer to make any investigation, detention, or arrest as the law enforcement officer would be permitted to make in absence of this Section.

d) Sentence. A streetgang member or a person in the company of or acting in concert with a streetgang member who violates this Section 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.

SECTION 2. This ordinance is effective on passage and approval.

6th

