



Office of the City Clerk

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Legislation Text

File #: O2014-879, Version: 1

Committee on Finance

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit 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, according to the Federal Communications Commission, cell phone thefts comprise between 30 and 40 percent of all robberies nationwide; and

WHEREAS, in 2012, 1.6 million Americans were victimized in incidents related to cell phone thefts; and

WHEREAS, more than 40% of all robberies in New York City involve cell phones; and

WHEREAS, cell phones are taken in 38% of all robberies in Washington D.C.; and

WHEREAS, according to the Illinois Attorney General, cell phone thefts at public transit locations in Chicago have increased more than 30% in recent years; and

WHEREAS, in 2011, a 68-year-old woman died after being shoved down the stairs at the CTA's Fullerton Brown Line station by a 17-year-old who fled with an iPhone he stole on a train; and

WHEREAS, manufacturers and carriers have the ability to end the growing number of cell phone thefts with a technological solution; and

WHEREAS, the implementation of a "kill switch" would render stolen devices inoperable on any network, anywhere in the world; and

WHEREAS, such a feature would disable stolen devices even if they are turned off or their subscriber identification modules have been removed; and

WHEREAS, by eliminating the ability for stolen devices to be reactivated, the incentive to steal them would be eliminated; and

WHEREAS, the City of Chicago intends to require cell phones sold within the city to be equipped with a remote antitheft feature in order to protect the health and safety of its residents; NOW THEREFORE

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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. Title 7 of the Municipal Code of Chicago is hereby amended by inserting a new Chapter 7-48, as follows:

7-48 Smartphone kill switch.

7-48-001 Definitions.

"Smartphone" means a cellular telephone, tablet computer, or other similar portable computing device built on a mobile operating system and transmitting data over a wireless connection. Features that a smartphone may possess include, but are not limited to, built-in applications, Internet access, digital voice service, text messaging, e-mail and Web browsing.

"Wireless telecommunications equipment manufacturer" means any entity that manufactures wireless telecommunications devices, including smart phones.

"Wireless communications service" means a two-way voice radio-linked communications service which provides dial interconnection to a public switched network, including but not limited to cellular telephone service and personal communications service.

"Wireless telecommunications service provider" means a person that provides wireless communications service.

7-48-002 Smart phone kill switch required.

(a) No person shall sell, offer or expose for sale, or otherwise transfer, any smartphone in the City of Chicago unless said smartphone is equipped with functionality that can render the device completely inoperable in the event of theft or loss.

(b) In order to comply with the requirement of this section, any "kill switch" functionality must:

- 1) wipe the device of all saved data;
- 2) render the device completely inoperable on any wireless telecommunications service provider's network globally;
- 3) prevent the device from being reactivated or reprogrammed without a passcode or other similar authorization;

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- 4) disable the device even if it is turned off or has had the subscriber , identification module or other data storage medium removed; and
- 5) be reversible in the event of the device's recovery by its owner.

c) Wireless telecommunication service providers and wireless telecommunications equipment manufacturers shall be jointly and severally liable for any violation of the requirements of this section.

d) The requirements of this section shall apply to all smartphones manufactured after the effective date of this ordinance.

7-48-003 Additional fees prohibited.

Wireless telecommunications service providers and wireless telecommunications equipment manufacturers are prohibited from assessing an additional fee, surcharge, tariff, or other charge to consumers for "kill switch" functionality in smartphones.

7-48-004 Violations.

Any person who violates any requirement of this chapter shall be subject to a fine of not less than \$500.00 nor more than \$1,000.00 for each offense. Each day that a violation continues shall constitute a separate and distinct offense.

SECTION 3. This ordinance shall be in full force and effect ninety (90) days after passage and

publication.