



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2015-5415  
**Type:** Ordinance **Status:** Passed  
**File created:** 7/29/2015 **In control:** City Council  
**Final action:** 11/18/2015  
**Title:** Amendment of Municipal Code Chapter 8-4 to include military service personnel as protected class under hate crimes legislation  
**Sponsors:** Burke, Edward M., Reboyras, Ariel  
**Indexes:** Ch. 4 Public Peace & Welfare  
**Attachments:** 1. O2015-5415.pdf

Date	Ver.	Action By	Action	Result
11/18/2015	1	City Council	Passed	Pass
11/10/2015	1	Joint Committee: Finance; Public Safety	Recommended to Pass	Pass
7/29/2015	1	City Council	Referred	

### 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, Perpetrators of hate crimes seek to dehumanize their victims and to strike fear and terror on specific groups of people in our society; and

WHEREAS, Acts of discrimination, profiling and harassment against marginalized communities have regularly occurred across the country; and

WHEREAS, The City of Chicago supports and protects all its residents and seeks to create a welcoming community which promotes tolerance and acceptance; and

WHEREAS, Hate crimes are a threat not only to the victims but to the community as a whole; and

WHEREAS, Military personnel are highly visible, both in dress and demeanor; and

WHEREAS, United States Military personnel, both active and veteran, shoulder a heavy load in the protection of this country; and

WHEREAS, As of the 2010 census, active duty military personnel make up less than 1 % of the population

of the United States, while veterans comprise approximately 7%; and

WHEREAS, There have been numerous reported crimes against military service members dating back as far as the 1960's; and

WHEREAS, Between 1965 and 1970, there were 101 attacks on military service members and military installations; and

WHEREAS, Our Nation has seen numerous attacks on military service members and military installations, including bombings, fires and Molotov cocktail attacks; and

WHEREAS, Most recently, a single gunman attacked both an Armed Forces Career Center and a Naval Reserve Center on July 16, 2015, in two separate Chattanooga strip malls, killing four Marines and a Navy sailor while wounding two others; and

WHEREAS, Additional attacks have occurred at Fort Bliss, Texas in 2015, Fort Hood, Texas in 2014, Naval Station Norfolk in 2014, the Washington Naval Yard in 2013, Washington, D.C.

in 2010, Arkansas in 2009, Fort Hood, Texas in 2009 and the high profile attack of the Times Square recruiting center in New York in 2008; and

WHEREAS, Since 2008, there have been at least 35 servicemen and women killed and countless others injured simply for their association with the United States military; and

WHEREAS, The City desires to update its hate crime legislation to include military personnel; 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. Chapter 8-4 of the Municipal Code of Chicago is hereby amended by inserting new language in Section 8-4-020 underscored as follows:

#### **8-4-020 Inciting riots, etc.**

It is unlawful to create a clear and present danger of a riot or assault, battery, or other unlawful trespass against any person or group of persons because of his or their her race, religion, color, national origin, active or prior military status, or ancestry, or to create a clear and present danger of arson, vandalism, defacement, or other unlawful trespass against property because of the race, religion, color, national origin, active or prior military status, or ancestry of the owner, possessor, or authorized user or users of said property, or, in the case of a cemetery, of the decedent buried therein.

The term "person" as used in this section shall include one or more individuals, copartnerships, corporations, firms, organizations, associations, leagues, or other bodies.

Any person violating the provisions of this section shall be fined not less than \$25.00 nor more than ~~\$200.00~~ \$500.00 or imprisoned for not less than ten days or more than six months, or both, for each offense.

SECTION 3. Chapter 8-4 of the Municipal Code of Chicago is hereby amended by inserting new language in Section 8-4-085 underscored as follows:

**8-4-085 Hate crimes.**

(a) No person shall, by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon, the actual or perceived race, color, sex, religion, national origin, age, ancestry, sexual orientation, active or prior military status, or mental or physical disability of another individual or group of individuals:

1) Commit assault as defined in Section 12-1 of the Illinois Criminal Code of 1961 (Illinois Revised Statutes Chapter 38, paragraph 12-1); or

2) Deface, mar, injure, destroy or remove property in violation of Section 8-4-040 of this Code; or

3) Commit trespass as defined in Section 8-4-050 of this Code; or

4) Commit vandalism as defined in Section 8-4-060 of this Code; or

5) Disturb a place of worship in violation of Section 8-4-110 of this Code; or

6) Engage in harassment by telephone as defined in Section 1-1 of "An Act to prohibit the use of telephone and telegraph lines for the sending of certain messages" (Illinois Revised Statutes Chapter 134, paragraph 16-4.1).

b) Any person who violates this section shall be subject to a fine of \$500.00 or may be imprisoned for not more than six months, or may be subject to both such fine and imprisonment. In addition to such penalty, any person found guilty of violating this section may be ordered to pay restitution to the aggrieved party, and may be ordered to perform community service pursuant to Section 1-4-120 of this Code.

c) Notwithstanding any other provision of this section, any conduct in violation of this section that is punishable under state or federal law by a term of imprisonment in excess of six months shall not be prosecuted under this section.

d) As used in this section, "sexual orientation" means heterosexuality, homosexuality or bisexuality.

e) As used in this section, "active or prior military status" means any active duty or former military service personnel of the United States Armed Services, including the Reserves, National Guard and the Reserve Officers' Training Corps (ROTC).

Edward M. Burke Alderman, 14<sup>th</sup> Ward