



Office of the City Clerk

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Legislation Details (With Text)

File #: O2018-9341
Type: Ordinance
File created: 12/12/2018
Status: Failed to Pass
In control: City Council
Final action:
Title: Amendment of Municipal Code Section 8-4-085 to classify cyberstalking as hate crime
Sponsors: Burke, Edward M., Tunney, Thomas
Indexes: Title 4 - Businesses, Occupations & Consumer Protection
Attachments: 1. O2018-9341.pdf

Date	Ver.	Action By	Action	Result
5/29/2019	1	City Council	Failed to Pass	
12/12/2018	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, the City of Chicago seeks to address hate crimes which occur over the internet or through electronic communications; and

WHEREAS, the City of Chicago and other local units of government have been compelled to action, where the federal government has sought to diminish individual liberties and the laws that would protect them; and

WHEREAS, the City of Chicago is cognizant that in a digital era, faster communication and ease of access have had the dual effect of allowing hate to spread more easily through electronic communications; and

WHEREAS, for example, this past year an image of a swastika was electronically sent to students attending an assembly at Oak Park and River Forest High School; and

WHEREAS, it is relatively easy to share hate filled images or speech to vast numbers of people from a single phone, computer or other electronic device; and

WHEREAS, the ability of few individuals to harass and intimidate whole communities is a reality which the law must now address; and

WHEREAS, according to the Center for the Study of Hate and Extremism at California State University, hate crimes are on the rise across the United States, including Chicago; and

WHEREAS, the Federal Bureau of Investigation (FBI) has reported in the Bureau's annual "Hate Crime Statistics" that hate crimes have risen 17% in the United States in the last year, and have been reported more frequently for a third consecutive year in row; and

WHEREAS, there were 7,175 hate crimes reported by law enforcement agencies in 2017, up from 6,121 reported incidents in 2016; and

WHEREAS, of the 7,106 single-bias hate crimes reported, 59.6% of victims were targeted because of their race/ethnicity/ancestry, 20.6% were targeted because of their sexual-orientation, 1.9% were targeted because of their gender identity, and 0.6% were targeted because of their gender; and

WHEREAS, notably, of the 1,679 religious bias crimes reported in 2017, 58.1% were anti-Jewish while 18.6% were anti-Muslim; and

WHEREAS, municipalities are increasingly aware that hate crimes no longer occur only in person and are much more prevalent in the digital space; and

WHEREAS, other municipalities have been active in this area, the New York City Council is currently considering the creation of an Office for Hate Crimes Prevention; and

WHEREAS, the State of Illinois has updated its human rights law to include hate crimes committed through electronic communications; and

WHEREAS, it is incumbent upon local government to act where there is a federal government which chooses to diminish individual liberties and dismantle human rights laws; and

WHEREAS, the City of Chicago already prohibits cyberstalking and harassment through the use of electronic communication; and

WHEREAS, these same offenses are deserving of special attention where the motive or purpose is to discriminate against discrete and insular segments of the community; and

WHEREAS, the City of Chicago has a compelling interest in combating hate; 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. Section 8-4-085 of the Municipal Code of Chicago is hereby amended by inserting underscored language 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 16-4.1V; or

7) Commit cyberstalking in violation of Section 8-4-127 of this Code.

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).

SECTION 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any provision of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

SECTION 4. This ordinance shall be in full force and effect thirty (30) days after passage.

Edw^ra M. Burke Alderman, 14th Ward