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Chicago, IL 60602
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Legislation Details (With Text)

File #: O2021-3215

Type: Ordinance **Status:** Re-Referred

File created: 7/21/2021 **In control:** Committee on Public Safety

Final action: 9/20/2021

Title: Amendment of Municipal Code Chapters 8-4 and 8-20 by modifying various sections and adding new sections regarding looting, mob actions, vandalism and unlawful possession of firearms or firearm ammunition

Sponsors: Napolitano, Anthony V., Tabares, Silvana, Gardiner, James M., Thompson, Patrick D., Lopez, Raymond A.

Indexes: Ch. 20 Weapons, Ch. 4 Public Peace & Welfare

Attachments: 1. O2021-3215.pdf

Date	Ver.	Action By	Action	Result
9/20/2021	1	City Council	Re-Referred	
9/17/2021	1	Committee on Committees and Rules		
7/21/2021	1	City Council	Referred	

CITY OF CHICAGO

MICHELLE A HARRIS, ALDERMAN, 8TH WARD CHAIRMAN-COMMITTEE ON COMMITTEES AND RULES CITY HALL, RM-200, OFFICE #4 • 121 NORTH LASALLE STREET, CHICAGO IL, 60602 PHONE: 312-744-3075 • FAX 312-744-5007

City Council Meeting September 20, 2021

To the President and Members of the City Council:

Your Committee on Committees and Rules, considered all the following Ordinances and Resolution which met September 17, 2021:

Your Committee on Committee and Rules, recommends "re-referral" of the following items:

Recommendation to refer proposed items 1-2 to the Committee on Public Safety:

1. (02021-4130) Amendment of Municipal Code Title 8 by creating new Chapter 8-6 titled "Victims' Justice Ordinance" to create a civil remedy against street gang predatory and profit-driven practices.
- (2.) (02021-3215) Amendment of Municipal Code Chapters 8-4 and 8-20 by modifying various sections and adding new sections regarding looting, mob actions, vandalism and unlawful possession of firearms or firearm ammunition.

Recommendation to refer proposed item 3 to the Joint Committee on Budget & Government

Operations and Public Safety:

- 3. (R2021-991) Subject matter hearing on two recent reports by the Office of the Inspector General and the MacArthur Justice Center on the reliability of ShotSpotter technology.

This recommendation of each item was concurred in by the Committee on Committees and Rules.

Sincerely,

Michelle Harris, Chairman Committee on Committees and Rules

**Chicago Criminal Accountability Ordinance (CCAO) Administrative Notice
of Violation (ANOV)**



ORDINANCE

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

SECTION 1. Chapter 8-4 of the Municipal Code of Chicago is hereby amended adding new Section 8-4-021, as follows:

8*4-021 Looting and mob actions.

a) It shall be unlawful for any person to knowingly without authority of law or the owner, enter any home or dwelling or upon any premises of another, or enter any commercial, mercantile, business, or industrial building, plant, or establishment, in which normal security of property is not present by virtue of a hurricane, fire, or vis major of any kind or by virtue of a riot, mob, or other human agency, and obtain or exert control over property of the owner.

b) It shall be unlawful for any person to engage in the knowing assembly of two or more persons to enter any home or dwelling or upon any premises of another, or enter any commercial, mercantile, business, or industrial building, plant, or establishment, and obtain or exert control over the property of the owner, or organize, plan, or coordinate such actions.

c) It shall be unlawful for any person, acting in concert with one or more other individuals, to engage in any of the following:

- 1) the knowing or reckless use of force or violence disturbing the public peace;
- 2) the knowing assembly with the intent to commit or facilitate the commission of a felony, misdemeanor, or violation of City ordinance; or
- (3) the knowing assembly without authority of law, for the purpose of doing violence to a

, person or property.

d) Any person who violates any provision of this section shall be subject to a fine of not less than \$10,000.

SECTION 2. Section 8-4-060 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and inserting the language underscored, as follows:

8-4-060 Vandalism defined.

(a) .It shall be unlawful for any person to commit vandalism. A person commits vandalism when such person,, without proper authorization, engages in the willful or malicious destruction, injury, disfigurement or defacement of any public or private property. Vandalism includes, but is not limited,to, any act of cutting, tearing, breaking, marking, drawing, painting/or etching when such act is intended to damage property or has the effect of causing damage to property.

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(b) Any person who violates subseciion (a) of this section, upon conviction thereof, shall be punished by a fine of \$5,000 net les& thaR-SlrSeOrQu-nor more than \$2:500-00 for each,offense, plus the actual costs incurred by the property owner or the city to abate, remediate, repair or remove the effects ofthe vandalism. To the extent permitted by law, suchcosts shall be payable to the person who incurred the costs. In addition to such fine and costs, any such offense may also be punished as a misdemeanor by incarceration in a penal institution other than a penitentiary for a term of,up to 30 days, or by a requirement to perform up to 1,500 hours of community service, under the procedures set forth in Section 1-2-1.1. of the Illinois Municipal Code, as amended, and in the Illinois Code of Criminal Procedure of 1,963, as amended.-All actions,seeking the imposition of fines only shall be, filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil Procedure, as amended.

fc) Any person who commits vandalism described iri subsection (a) of this section, against any tunnel, bridge, or viaduct, or any public building; monument, playground, or bench, upon conviction thereof, shall be punished by a fine of \$10,000, plus the actual costs incurred bv the property owner or the City to abate, remediate, repair or remove the effects of vandalism. In addition to such fine and costs, any such offense may also be punished as a misdemeanor bv incarceration in a penal institution other than a penitentiary for a term of up to.30 days, or bv a requirement to perform up to 2.000 hours of community service, under the procedures set forth in Section 1-2-1.1 ofthe Illinois Municipal Code, as amended, and in the Illinois Code of Criminal Procedure of 1963, as amended. All actions seeking the imposition of fines only shall be filed as quasi-criminal actions subject to the provisions of the Illinois Code of Civil.Procedure, as amended, ■

SECTION 3. Section 8-4-070 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and inserting thelanguage underscored, as follows:

8-4-070 Responsibility of parents or legal guardian.

(a) As used in this section, the terms specified have the meanings ascribed to them: "Legal Guardian" means:

- (i) A person who, under court order Js the guardian of the person ofa minor, or
- (ii) A public or private agency with whom.a minor has been placed by a court.

"Minor" means a person who is 11 years of.age or above, but not yet 17 years of age.

fb) If a minor engages in conduct that violates any-provision of Section 8-4-060 and such minor is unemancipated and resides with his parent or legal guardian, such "parent or legal guardian shall be subject to a fine of \$10.000 and payment of restitution in the amount of the actual costs incurred toabate. remediate, repair or remove the effects of the vandalism.

(cb) If a minor engages in conduct that violates any provision of Sections-8-4-060-or 8-4-065, and such minor is unemancipated and resides with his parent or legal guardian, such parent or legal guardian shall be subject to the

penalties set forth below:

• (i) a fine of not less than \$250 nor more than \$1,000.00 or payment of restitution in the amount of the actual costs incurred to abate, remediate, repair or remove the effects of the vandalism if such action is performed by the city, whichever is greater, or

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(ii) a fine of not less than \$250 nor more than \$1,000.00 and payment of restitution in the amount of the actual costs incurred by the property owner to abate, remediate, repair or remove the effects of the vandalism if such action is not performed by the city.

Provided, however, that no order imposing a fine and/or restitution under subsection (c) of this section shall exceed \$3,000 in the aggregate. Community service may be imposed in lieu of, or in addition to, the monetary fines provided by this section. Such parent or legal guardian shall be strictly liable under this section regardless of whether the parent or legal guardian has actual knowledge of the minor's unlawful conduct.

SECTION 4. Section 8-4-130 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and inserting the language underscored/as follows:

8-4-130 Possession of etching materials, paint or marker unlawful.

(Omitted text is unaffected by this ordinance)

(e) Any person who violates any provision of this section shall be subject to a fine of \$5,000

each offense. -

(0 Any person who violates any provision of this section and is within 50 feet of any public building, monument, playground, bench, or any tunnel, bridge, or viaduct, shall be subject to a fine of \$10,000.

SECTION 5. Section 8-4-350 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and inserting the language underscored, as follows:

8-4-350 Enhanced penalties for offenses committed in public transportation safety zones.

(Omitted text is unaffected by this ordinance)

(b) Penalties. v- -

y. (1) The following enhanced penalties shall apply to violations of Sections 8-20-075 and 8-20-085 of this Code that occur in public transportation safety-zones:

' (A) the penalty for a first offense shall be a fine of \$15,000, no less 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 \$20,000, not less than \$4,000 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 \$25,000, not less than \$4,000 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 public transportation safety zones:

(A) the penalty for a first offense shall be a fine of \$15,000, not less 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 \$20,000, not less than \$5,000.00 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 \$25,000, not less than \$10,000.00 and incarceration for a term of six months;

(Omitted text is unaffected by this ordinance)

SECTION 6. Section 8-4-355 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and inserting the language underscored, as follows:

8-4-355 Enhanced penalties for offenses committed in student safety zones, parks, or playgrounds. .-■

-.W ■

(Omitted text is unaffected by this ordinance)

(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, parks or playgrounds:

(A) the penalty for a first offense shall be a fine of \$15,000, not less 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 \$20,000, not less 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 \$25,000, not less than \$10,000.00 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, parks or playgrounds:

A) the penalty for a first offense shall be a fine of \$15,000, not less than \$4,700.00 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 \$20,000. ~~not less than \$5,000.00~~
- B) ~~nor more than \$15,000.00~~ and incarceration for a term not less than 90 days nor more than six
- B) months; and / ~~:Vr:-X .V':-- ■~~ ■ .

(C) the penalty for a third or subsequent offense shall be a fine of \$25,000, ~~net4e&6-4ban . \$40r~~ and incarceration for a term of six months.

- (Omitted text is unaffected by this ordinance)

SECTION 7. Chapter 8-4 of the Municipal Code of Chicago is hereby amended adding new Section 8-4-365, as follows:

8-4-365 Allocation of fines for pension obligations. All penalties, fines/ and fees collected pursuant to Sections 8-4-021, 8-4-060, 8-4-070, 8-4-130, 8-4-350, and 8-4-355, except for any costs of remediation paid under Sections 8-4-060 or 8-4-070, shall be used to meet the City's contribution obligations under the Illinois Pension Code, 40 ILCS 5/1-101, et seq.

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

8-20-020 Reserved Unlawful possession of a firearm or firearm ammunition.

fa) It shall be unlawful for any person to illegally or unlawfully possess a firearm or illegally or unlawfully possess ammunition under any local, State, or federal law.

SECTION 9; Section 8-20-300 of the Municipal Code of Chicago is hereby amended by deleting the language struck through and inserting the language underscored, as follows:

8-20-300 Violation - Penalty.

. (a) Penalties

. £1} Unless the enhanced penalty imposed by subsection 8-4-350(b){2} or subsection 8-4-355(b)(2) of this Code applies, any person who; violates section 8-20-060 shall be fined not less than \$10,000 ~~\$1,000.00~~ nor more than \$15,000 ~~\$50QQ;QQ~~ and be incarcerated for a term not less than 20 days. nor more than 90 days.

2) Unless the enhanced penalty imposed by subsection 8-4-350(b)(1) or subsection 8-4-355(b)(1) of this Code applies, any person; who'violates section 8-20-075, or 8-20-085rOf^'-20-400 shall be fined not less than \$10,000 ~~S^QQrQG^~~ nor more than ~~\$J5,000_~~ ~~\$\$OOOrOO~~ and be incarcerated for a term of not. less than 90 days nor more'than 18Q days.

3) Anv person who violates section 8-20-100 shall be fined not less than \$1,000.00 nor more than \$5,000,00 and be incarcerated for a term of not less than- 90 days nor more" than 180 days. -

4) Anv person who violates Section 8-20-050 or 8-20-070 shall be fined \$10,000 and be incarcerated for not less than 90 days nor more than 180 days.

: (5) Any person who violates Section 8-20-020 shall be fined not less than \$10,000 nor more than \$15,000 for their first offense, shall be: fined not less than \$20.000 nor more than \$30,000

If any person who has violated any provision of this chapter, or any rule or regulation promulgated hereunder, shall for the first offense, be fined not less than \$1,000.00, nor more than \$8,000.00, or be incarcerated for not less than 20 days nor more than 90 days, or both. Any subsequent conviction for a violation of this chapter shall be punishable by a fine of not less than \$5,000.00 and not more than \$10,000.00, and by incarceration (or a term of not less than 30 days, nor more than six months, Each day of such violation shall constitute a separate and distinct offense.

b) Unless otherwise specifically provided, any person who violates any provision of this chapter, or any rule or regulation promulgated hereunder, shall for the first offense, be fined not less than \$1,000.00, nor more than \$8,000.00, or be incarcerated for not less than 20 days nor more than 90 days, or both. Any subsequent conviction for a violation of this chapter shall be punishable by a fine of not less than \$5,000.00 and not more than \$10,000.00, and by incarceration (or a term of not less than 30 days, nor more than six months, Each day of such violation shall constitute a separate and distinct offense.

c) Reserved.

d) Upon the determination that a person has violated any provision of this chapter or any rule or regulation promulgated hereunder, the superintendent may institute an administrative adjudication proceeding with the department of administrative hearings by forwarding a copy of the notice of violation or a notice of hearing, which has been properly served, to the department of administrative hearings,

SECTION 10. Chapter 8-20 of the Municipal Code of Chicago is hereby amended adding new Section 8-20-305. as follows:

8-20-305 Allocation of fines for pension obligations. All penalties, fines, and fees collected pursuant to Sections 8-20-020 and 8-20-300 shall be used to meet the City's contribution obligations under the Illinois Pension Code, 40 ILCS 5/1-101, et seq.

SECTION 11. This ordinance shall take full force and effect 10 days after its passage and publication. "

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Stlvano Tinbates 23rd Ward Alderman
James Gardiner 45th Ward Alderman

Patrick Thompson , 11th Ward Alderman
Raymond Lopez 15th Ward Alderman

CITY OF CHICAGO

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M. VALENCIA

Chicago City Council Co-Sponsor Form

Chicago Criminal Accountability Ordinance (CCAO) Administrative Notice Of Violation (ANOV)

Adding Co-Sponsor(s)

Please ADD Co-Sponsor(s) Shown Below- (Principal Sponsor's Consent Required)

Alderman

(Signature)

Alderman

d I Ward)

(Signature)

Date Filed:

Principal Sponsor:

(Signature)

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below-(Principal Sponsor's
Consent NOT Required)*

Alderman

(Signature)

d I Ward)

Alderman

(Signature)

fl I Ward)

Date Filed:

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CITY OF CHICAGO

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Chicago City Council Co-Sponsor Form

Chicago Criminal Accountability Ordinance (CCAO) Administrative Notice Of Violation (ANOV)

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Please ADD Co-Sponsor(s) Shown Below-(Principal Sponsor's Consent Required)
(Signature)

Alderman

(Signature)

Date Filed:

Principal Sponsor:.

(Signature)

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below- (Principal Sponsor's
Consent NOT Required)*

Alderman

(Signature)

(L_JWard)

Alderman

(Signature)

(I I Ward)

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Chicago City Council Co-Sponsor Form

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Adding Co-Sponsor(s)

Please ADD Co-Sponsor(s) J&wn Below - (Principal Sponsor's Consent Required)

Thompson

(Signature)

(Signature)

Principal Sponsor: Alderman Napolitano

(Signature)

Ward) Ward)

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below - (Principal
Sponsor's Consent NOT Required)*

(I | Ward)

(Signature)

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(Signature)

Please J>GQ-€-o< Sponsor(s) Shown Below^P/incipal Sponsor's Consent Required)

Principal Sponsor:

(Signature)

*Removing Co-Sponsor(s) Please REMOVE Co-Sponsor(s) Below - {Principal Sponsor's
Consent NOT Required)*

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