Legislation Details (With Text)

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File created:	4/13/2011	**In control:**	City Council
		Final action:	5/18/2011
Title:	Amendment of Municipal Code Chapter 8-4 regarding prostitution free zones and related loitering		
Sponsors:	Ervin, Jason C., Graham, Deborah L.		
Indexes:	Ch. 4 Public Peace & Welfare		
Attachments:	1. O2011-2325.pdf		

Date	Ver.	Action By	Action	Result
5/18/2011	1	City Council	Failed to Pass	
4/13/2011	1	City Council	Referred	

WHEREAS, the City of Chicago is home rule until of government pursuant lo 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 lo its government and affairs including promoting the health, welfare and safely of its citizens; and
WHEREAS, over 80,000 citizens a year are arrested a year for soliciting sex in America; and
WHEREAS, the act of prostitution and prostitution related activities have left a scar on many Chicago neighborhoods
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:
SECTION 1. The above recitals are expressly incorporated herein and made part thereof as though fully set forth herein
SECTION 2. Chapter 8-4-016 of the Municipal Code of Chicago is hereby created and has the following language added as follows:
Prostitution Free Zones
Prostitution-free zones are those areas of the City of Chicago as designated by the Superintendent of Police or via ordinance, which are areas where the number of arrests where there was probable cause to believe a person has committed prostitution related loitering for a 12-month period within the 18 months preceding its designation is significantly higher than that for other similarly sized geographic areas of the City of Chicago that are not located within a prostitution-free zone or areas where observations by police officers and public officials or citizen complaints lead the Superintendent of Police to conclude that prostitution or related offenses are taking place in such areas with significant more frequency than other similarly sized geographic areas of the City of Chicago that are not located within a prostitution-free zone.
(a) A person is subject to exclusion for a period of 90 days from any public right-of-way and park within the applicable prostitution-free zone designated if that person has been arrested based upon probable cause and a 1-year exclusion from any public right-of-way and park within the applicable prostitution-free zone shall take effect upon the date that a finding of guilt or plea of guilty is entered for any of the offenses committed within that prostitution-free zone as listed below, unless the offense was committed entirely within a private residence:
1)
720 ILCS 5/11
9.1 Sexual exploitation of a child.

2)
720 ILCS 5/11
9.2 Custodial sexual misconduct.
3)
720 ILCS 5/11
14 Prostitution.
4)
720 ILCS 5/11
14.1 Solicitation of a sexual act.
5) 720 ILCS 5/11-14.2 First offender; felony prostitution.
6) 720 ILCS 5/11-15 Soliciting for a prostitute.
7) 720 ILCS 5/11-15.1 Soliciting for a minor engaged in prostitution.
8) 720 ILCS 5/11-16 Pandering.
9) 720 ILCS 5/11-17 Keeping a Place of Prostitution.
10) 720 ILCS 5/11-17.1 Keeping a Place of Juvenile Prostitution.
11) 720 ILCS 5/11-18 Patronizing a prostitute.
12) 720 ILCS 5/11-18.1 Patronizing a minor engaged in prostitution.
13) 720 ILCS 5/11-19 Pimping.
14) 720 ILCS 5/11-19.1 Juvenile Pimping and aggravated juvenile pimping.
15) 720 ILCS 5/11-19.2 Exploitation of a child.
16) 720 ILCS 5/11-20 Obscenity.
17) 720 ILCS 5/11-20.1 Child pornography.
18) 720 ILCS 5/11-20.3 Aggravated child pornography.
19) 720 ILCS 5/11-25 Grooming.
20) 720 ILCS 5/11-26 Traveling to meet a minor.
21) Attempts to commit any of the above offenses.
Areas designated:
(1) The superintendent of police shall by written directive designate areas of
the city in which enforcement of this section is necessary because the areas are frequently associated with prostitution-related loitering. Prior to making a determination under this subsection, the superintendent shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of prostitution-related activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the department of police with special
training or experience related to prostitution-related activity; other personnel of that department with particular knowledge of prostitution-related activities in the proposed designated area; elected and appointed officials of the area; community- based organizations; and participants in the Chicago Alternative Policing Strategy who are familiar with the area. The superintendent shall develop and implement procedures for the periodic review and update of designations made under this subsection. The designation shall be valid for a period of three years.
(2) Via ordinance. The designation shall be valid for a period of three years.
(c) As used in this section:
(1) Public place means the public way and any other location open to the public, whether publicly or privately owned.
(d) Any person who is found to be in violation of this ordinance is subject to a fine of not less than $250.00 and not more than $500.00 for each offense, and imprisonment for not less than seven (7) days but not more than six months for each offense. A second offense shall be punishable by a mandatory minimum sentence of not less than 30 days imprisonment. A third or subsequent offense shall be punishable by a mandatory minimum sentence of not less than 60 days imprisonment.
(e) In addition to the above penalties, any person who violates this section shall be required to perform no less

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than 40 hours and up to 120 hours of community service pursuant to Section 1-4-120 of this Code.
(d) (1) A motor vehicle that is used in the violation of this section or Section 8-8-050, or in the commission of prostitution as defined in Section 11-14 of the Criminal Code of 1961, soliciting for a prostitute as defined in Section 11-15 of such code, soliciting for a juvenile prostitute as defined in Section 11 -18 of such code, or patronizing a juvenile prostitute as defined in Section 11-18.1 of such code, shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty of $1,000.00 in addition to fees for the towing and storage of the vehicle.
(2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14 -132 of this Code.
»-{3) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.
SECTION 3. Chapter 8-4-016a of the Municipal Code of Chicago has the following language added as follows:
Prostitution Related Loitering
(a) Whenever a police officer observes one or more persons engaged in prostitution-related loitering in any public place designated for the enforcement of this section under subsection (b), the police officer shall: (i) inform all such persons that they are engaged in loitering within an area in which such loitering is prohibited; (ii) order all such persons to disperse and remove themselves from within sight and hearing of the place at which the order was issued;> and (iii) inform those persons that they will be subject to arrest if they fail to obey the order promptly or engage in further prostitution-related loitering within sight or hearing of the place at which the order was issued during the next eight hours.
(b) Areas designated:
(1) The superintendent of police shall by written directive designate areas of
the city in which enforcement of this section is necessary because the areas are frequently associated with prostitution-related loitering. Prior to making a determination under this subsection, the superintendent shall consult as he or she deems appropriate with persons who are knowledgeable about the effects of prostitution-related activity in areas in which the ordinance may be enforced. Such persons may include, but need not be limited to, members of the department of police with special training or experience related to prostitution-related activity; other personnel of that department with particular knowledge of prostitution-related activities in the proposed designated area; elected and appointed officials of the area; community- based organizations; and participants in the Chicago Alternative Policing Strategy who are familiar, with the area. The superintendent shall develop and implement procedures for the periodic review and update of designations made under this subsection.
(2) Via ordinance
(c) As used in this section:
(1) Prostitution-related loitering means remaining in any one place under circumstances that would warrant a reasonable person to believe that the purpose or effect of that behavior is to facilitate the following violations of the Illinois Criminal Code:
a) 720 ILCS 5/11-9.1 Sexual exploitation of a child.
b) 720 ILCS 5/11-9.2 Custodial sexual misconduct.
c) 720 ILCS 5/11-14 Prostitution.
d) 720 ILCS 5/11-14.1 Solicitation of a sexual act.
e) 720 ILCS 5/11-14.2 First offender; felony prostitution.
f) 720 ILCS 5/11-15 Soliciting for a prostitute.
g) 720 ILCS 5/11-15.1 Soliciting for a minor engaged in prostitution.
h) 720 ILCS 5/11-16 Pandering.

i) 720 ILCS 5/11-17 Keeping a Place of Prostitution.
j) 720 ILCS 5/11-17.1 Keeping a Place of Juvenile Prostitution,
k) 720 ILCS 5/11-18 Patronizing a prostitute.
1) 720 ILCS 5/11-18.1 Patronizing a minor engaged in prostitution,
m) 720 ILCS 5/11-19 Pimping.
n) 720 ILCS 5/11-19.1 Juvenile Pimping and aggravated juvenile pimping,
o) 720 ILCS 5/11-19.2 Exploitation of a child,
p) 720 ILCS 5/11-20 Obscenity.
q) 720 ILCS 5/11-20.1 Child pornography. . ^
r) 720 ILCS 5/11 -20.3 Aggravated child pornography.
s) 720 ILCS 5/11-25 Grooming.
t) 720 ILCS 5/11-26 Traveling to meet a minor.
u) Attempts to commit any of the above offenses.
(2) Public place means the public way and any other location open to the public, whether publicly or privately owned.
(d) > Any person who is found to be in violation of this ordinance is subject to a fine of not less than $250.00 and not more than $500.00 for each offense, and imprisonment for not less than seven (7) days but not more than six months for each offense. A second offense shall be punishable by a mandatory minimum sentence of not less than 30 days imprisonment. A third or subsequent offense shall be punishable by a mandatory minimum sentence of not less than 60 days imprisonment.
In addition to the above penalties, any person who violates this section shall be required to perform no less than 40 hours and up to 120 hours of community service pursuant to Section 1-4-120 of this Code.
(f) (1) A motor vehicle that is used in the violation of this section, shall be subject to seizure and impoundment under this subsection. The owner of record of such vehicle shall be liable to the city for an administrative penalty of $1,000.00 in addition to fees for the towing and storage of the vehicle.
(2) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the city or its agents. When the vehicle is towed, the police officer shall notify the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14 -132 of this Code.
(3) The provisions of Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.
SECTION 4. This ordinance shall be in full force and effect after its passage.

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