



# Office of the City Clerk

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## Legislation Text

File #: O2018-2392, Version: 1

### PUBLIC SAFETY

### ORDINANCE

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

SECTION 1. Chapter 8-4, Public Peace and Welfare, of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored as new Section 8-4-014:

#### **8-4-014 Loitering.**

a) Whenever a police officer observes one or more persons engaged in loitering in any public place (b). the police officer shall: (i) inform all such persons that they are engaged in loitering: (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 loitering within sight or hearing of the place at which the order was issued during the next eight hours.

b) As used in this section:

1) Loitering means:

- a. 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 illegal activity: or
- b. standing, sitting idly, whether or not the person is in a vehicle, or remaining in or around a public place including a school or public park property: or
- c. entering or remaining in a building in or around a public place, other than the person's residence.

2) Public place means the public way and any other location open to the public, whether publicly or privately owned.

(c) Any person who fails to obey promptly an order issued under subsection (a), or who engages in further loitering within sight or hearing of the place at which such an order was issued during the eight-hour period following the time the order was issued, is subject to a fine of not less than \$100.00 and not more than \$500.00 for each offense, or imprisonment for not more than six months for each offense, or both. A second or subsequent offense shall be punishable by a mandatory minimum sentence of not less than five days

imprisonment.

In addition to or instead of the above penalties, any person who violates this section may be required to perform up to 120 hours of community service pursuant to Section 1-4-120 of this Code.

## PUBLIC SAFETY

(d) Upon a third or subsequent conviction for a violation of subsection (d) of this section or subsection (e) of Section 8-4-014, or any combination thereof, within any 12-month period, a court, in addition to imposing the penalties prescribed in that subsection, shall enter an order requiring the convicted person to refrain, for a mandatory period of 30 days, from narcotics-related loitering, or gang loitering as defined in Section 8-4-015. within sight and hearing of the place of the police officer's order issued under subsection (a) which served as the basis for the person's most recent conviction, unless circumstances strongly mandate that such period should be shorter. Such an order must be obeyed regardless of whether any additional warning or notice is given to the person. Any person who violates an order issued by a court under this subsection (e) shall be subject to a mandatory minimum sentence of not less than five days imprisonment but not more than six months imprisonment, plus a fine of not less than \$100.00 and not more than \$500.00. for each violation. In addition to or instead of the penalties prescribed in this subsection (e), any person who violates an order issued by a court under this subsection (e) may be required to perform up to 120 hours of community service pursuant to Section 1-4-120 of this Code.