File #: SO2020-5709, **Version:** 1

SUBSTITUTE 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, hate crimes committed against transgender persons are not currently covered by the Municipal Code of Chicago; and

WHEREAS, other large cities such as New York City and Los Angeles have already created a protected class for transgender persons within their hate crimes ordinances; and

WHEREAS, there is an identifiable pattern of crimes which are being committed against members of protected classes across the United States and here in Chicago; and

WHEREAS, according the most recent data from the Federal Bureau of Investigation, personal attacks motivated by bias or prejudice reached a 16-year high in 2018, with significant year to year increases in attacks on immigrants and members of the transgender community; and

WHEREAS, in Chicago's Marquette Park Neighborhood, on May 31st, 2020 a woman was murdered by a man because she was transgender; and

WHEREAS, crimes that target individuals and groups because of their identity are deserving of a special legal opprobrium; and

WHEREAS, outrage is not enough and the City of Chicago must fight hard to keep vulnerable members of our community protected and bring their attackers to justice; and

WHEREAS, it is the policy of the City of Chicago to protect residents from crime, regardless of identity; and

WHEREAS, it has always been the cherished duty of local government to provide for the protection and safety of its residents; now, therefore,

BE IT ORDAINED BYTHE CITY COUNCIL OFTHE 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 the language 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,

gender identity, 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 m ilitary 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. This ordinance shall take effect immediately after its passage and publication.

Edward M. Burke Alderman, 14th Ward

Raymond Lopez Alderman, 15th Ward

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