



City of Chicago



O2021-3215

Office of the City Clerk

Document Tracking Sheet

Meeting Date: 7/21/2021

Sponsor(s): Napolitano (41)
Tabares (23)
Gardiner (45)
Thompson (11)
Lopez (15)

Type: Ordinance

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

Committee(s) Assignment: Committee on Committees and Rules

Public Safety

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.

(b) Any person who violates subsection (a) of this section, upon conviction thereof, shall be punished by a fine of ~~\$5,000 not less than \$1,500.00 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 of the vandalism. To the extent permitted by law, such costs 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 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.

(c) Any person who commits vandalism described in 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 by 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 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 2,000 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 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 the language 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, is the guardian of the person of a 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.

(b) 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 to abate, 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

(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 ~~not less than \$500 and not more than \$1,500~~ for each offense.

(f) 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.*

(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, ~~not less than \$4,000.00 nor more 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 \$5,000.00 nor more 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 nor more than \$20,000.00~~, 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 public transportation safety zones:

(A) the penalty for a first offense shall be a fine of \$15,000, ~~not less than \$1,000.00 nor more than \$5,000.00~~, 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 nor more than \$15,000.00~~, 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 nor more than \$20,000.00~~, 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.

(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 \$1,000.00 nor more 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 \$5,000.00 nor more 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 nor more than \$20,000.00~~, 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 \$1,000.00 nor more than \$5,000.00~~, 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 nor more than \$15,000.00~~, 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 nor more than \$20,000.00~~, 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.

(a) 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 ~~\$5000.00~~ 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 8-20-085, or 8-20-490 shall be fined not less than \$10,000 ~~\$1,000.00~~ nor more than \$15,000 ~~\$5000.00~~ and be incarcerated for a term of not less than 90 days nor more than 180 days.

(3) Any 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) Any 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

for their second or subsequent offenses, and, if they have not paid their fine within 60 days of final disposition of the matter, may be incarcerated for not less than 180 days nor more than six months.

(b) Unless another fine or penalty is 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 \$5,000.00, 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 for a term of not less than 30 days, nor more than six months. Each day that such violation exists 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 a 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.


Anthony Napolitano
41st Ward Alderman

Silvana Tabares
23rd Ward Alderman

Patrick Thompson
11th Ward Alderman

James Gardiner
45th Ward Alderman

Raymond Lopez
15th Ward Alderman



CITY OF CHICAGO

OFFICE OF THE CITY CLERK
ANNA M. VALENCIA

Chicago City Council Co-Sponsor Form

Document No.:

Subject: **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 Silvana Dubois 23rd Ward
(Signature)

Alderman _____ Ward
(Signature)

Date Filed: _____ Principal Sponsor: _____
(Signature)

Removing Co-Sponsor(s)

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

Alderman _____ Ward
(Signature)

Alderman _____ Ward
(Signature)

Date Filed: _____

- Final Copies To Be Filed With:**
- Chairman of Committee to which legislation was referred
 - City Clerk



CITY OF CHICAGO

OFFICE OF THE CITY CLERK
ANNA M. VALENCIA

Chicago City Council Co-Sponsor Form

Document No.:

Subject:

Adding Co-Sponsor(s)

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

Alderman James Audina Ward
(Signature)

Alderman _____ Ward
(Signature)

Date Filed: _____ Principal Sponsor: _____
(Signature)

Removing Co-Sponsor(s)

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

Alderman _____ Ward
(Signature)

Alderman _____ Ward
(Signature)

Date Filed: _____

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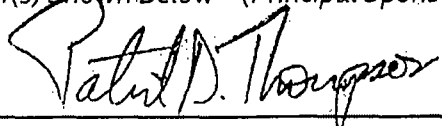
Chicago City Council Co-Sponsor Form

Document No.:

Subject:

Adding Co-Sponsor(s)

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

Alderman Thompson  Ward
(Signature)

Alderman _____ Ward
(Signature)

Date Filed: 7-16-21 Principal Sponsor: Alderman Napolitano
(Signature)

Removing Co-Sponsor(s)

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

Alderman _____ Ward
(Signature)

Alderman _____ Ward
(Signature)

Date Filed: _____

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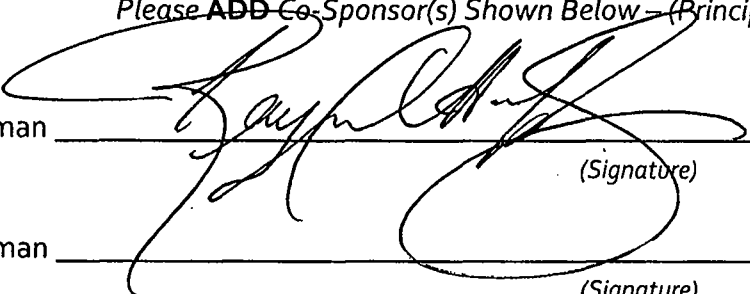
Chicago City Council Co-Sponsor Form

Document No.:

Subject:

Adding Co-Sponsor(s)

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

Alderman  Ward) (Signature)

Alderman _____ Ward) (Signature)

Date Filed: _____ Principal Sponsor: _____ (Signature)

Removing Co-Sponsor(s)

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

Alderman _____ Ward) (Signature)

Alderman _____ Ward) (Signature)

Date Filed: _____

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