

To: Public Safety

ORDINANCE

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

SECTION 1. Section 8-16-020 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, and by deleting the language struck through, as follows:

8-16-020 Curfew hours for minors.

(a) Definitions. Whenever used in this section:

(1) "Curfew hours" means:

(A) For all minors within the Central Business District, 8:00 P.M. on any day until 6:00 A.M. of the following day;

~~(A)-(B)~~ For minors 12 years of age or older outside of the Central Business District, 10:00 ~~p.m.~~ P.M. on any day until 6:00 ~~a.m.~~ A.M. of the following day; and

~~(B)-(C)~~ For minors younger than 12 years of age outside of the Central Business District, 8:30 P.M. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 A.M. of the following day; and

~~(C)-(D)~~ For minors younger than 12 years of age outside of the Central Business District, 9:00 P.M. on any Friday or Saturday and until 6:00 A.M. of the following day.

(1.5) "Central Business District" shall have the meaning ascribed in Section 9-4-010.

(2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile crash, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) "Establishment" means any privately- owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) "Guardian" means:

(A) A person who, under court order, is the guardian of the person of a minor; or

(B) A public or private agency with whom a minor has been placed by a court.

(5) "Minor" means any person under 18 years of age.

(6) "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) "Parent" means a person who is:

(A) A natural parent, adoptive parent, or stepparent of another person; or

(B) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(8) "Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

(9) "Remain" means to:

(A) Linger or stay; or

(B) Fail to leave premises when requested to do so by a police officer or the owner, operator or other person in control of the premises.

(10) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(11) "Ticketed or sponsored event" means a civic, charitable, community-sponsored, neighborhood-sponsored, entertainment, sporting, or other event: (i) organized, promoted, and carried out in full compliance with the City's ordinances, rules, and permit requirements by a not-for-profit entity in good standing with the City, and (ii) that requires a ticket or wristband for admission.

(b) *Offenses.*

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if he by insufficient control allows the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(c) *Defenses.*

(1) It is a defense to prosecution under subsection (b) that the minor was:

(A) Accompanied by the minor's parent or guardian;

(B) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) In a motor vehicle involved in interstate travel;

(D) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) Involved in an emergency;

(F) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(G) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(H) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;

(I) Married or had been married or is an emancipated minor under the Emancipation of Mature Minors Act, as amended; or

(J) Participating in, or returning home immediately after, a ticketed or sponsored event and has documentary evidence of their attendance at such event, including, but not limited to, a ticket stub or wristband with the event name preprinted on it.

(2) It is a defense to prosecution under subsection (b)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(d) *Enforcement.* Before taking any enforcement action under this section, a police officer shall ask the apparent violator's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) is present.

(e) *Penalties.* A person who violates any provision of this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$500.00 or an order to perform community service pursuant to Section 1-4-120 of this Code, or both. Any person who violates any provision of this section three times in any twelve-month period shall be subject to up to three times the maximum monetary fine set forth in this subsection for any subsequent violation of this section within the twelve-month period, or as an alternative or in addition to such fine a requirement to perform community service.

For purposes of this subsection only, community service may include attending supportive social services.

(f) When issuing a citation for a violation of this section, the officer shall also provide, in writing, the person being cited with information, prepared in consultation with the Department of Family and Support Services, regarding supportive social services.

SECTION 2. This ordinance shall take effect 10 days after passage and publication.



BRIAN HOPKINS
Alderman, 2nd Ward
