



Board of Commissioners of Cook County

Law Enforcement Committee

Wednesday, July 29, 2015

12:15 PM

**Cook County Building, Board Room
118 North Clark Street, Chicago, Illinois**

NOTICE AND AGENDA - REVISED

There will be a meeting of the Committee or Subcommittee of the Board of Commissioners of Cook County at the date, time and location listed above to consider the following:

PUBLIC TESTIMONY

Authorization as a public speaker shall only be granted to those individuals who have submitted in writing, their name, address, subject matter, and organization (if any) to the Secretary 24 hours in advance of the meeting. Duly authorized public speakers shall be called upon to deliver testimony at a time specified in the meeting agenda. Authorized public speakers who are not present during the specified time for public testimony will forfeit their allotted time to speak at the meeting. Public testimony must be germane to a specific item(s) on the meeting agenda, and the testimony must not exceed three minutes; the Secretary will keep track of the time and advise when the time for public testimony has expired. Persons authorized to provide public testimony shall not use vulgar, abusive, or otherwise inappropriate language when addressing the Board; failure to act appropriately; failure to speak to an item that is germane to the meeting, or failure to adhere to the time requirements may result in expulsion from the meeting and/or disqualify the person from providing future testimony.

15-4287

Sponsored by: STANLEY MOORE, County Commissioner

PROPOSED ORDINANCE AMENDMENT

ORDINANCE AMENDMENT REGARDING CURFEW FOR UNDERAGE PERSONS

Sec. 58-1. - Curfew for underage persons.

(a) *Short title.* This section shall be known and may be cited as the Children's Curfew Ordinance.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Child means any person, male or female who has not reached their 17th birthday is considered, for purposes of this section only, to be a child or children as the case may be.

County means (a) any unincorporated area or territory of Cook County, Illinois, and (b) any area of primary local police enforcement by the Cook County Sheriff's Office as defined by an intergovernmental agreement between the Sheriff's Office and the local municipality as approved by the Board of Commissioners. *County* does not include any area within an incorporated city, village, or town lying in whole or in part within the territory of Cook County, Illinois which has not entered into an intergovernmental agreement with the Sheriff County of Cook which authorizes the Sheriff to provide primary local police enforcement.

(c) *Curfew hours.* It shall be unlawful for any child as defined in Subsection (b) of this section to be upon any public place in the County between the hours of 11:30 p.m. Friday and 6:00 a.m. Saturday, or between the hours of 11:30 p.m. Saturday and 6:00 a.m. Sunday, or between the hours of 10:30 p.m. and 6:00 a.m. on any other day of the week, unless accompanied by, and in the charge of a parent, guardian, or other proper companion of the age of 21 years or more, or unless engaged in some occupation or business in which such child may lawfully engage under the statutes of the State of Illinois.

(d) *Defenses; enforcement.* It is a defense to prosecution under Subsection (c) of this section that the child was:

- (1) On an errand at the direction of the child's parent or guardian, without any detour or stop;
- (2) In a motor vehicle involved in interstate travel;
- (3) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (4) Involved in an emergency. In this subsection the term "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 accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life;
- (5) On the sidewalk abutting the child's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the child's presence;
- (6) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civic organization, or another similar entity that takes responsibility for the child, or going to or returning from, without any detour or stop, a official school, religious, or other recreational activity supervised by adults and sponsored by the County, a civic organization, or other similar entity that takes responsibility for the child;
- (7) 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; or
- (8) Married or had been married or had disabilities of minority removed in accordance with law.

Before taking any enforcement action under this section, any sheriff, deputy sheriff, constable, deputy constable, or other duly authorized law enforcement officer of the County shall ask the apparent offender's age and reason for being in the public place. The law enforcement officer shall not issue a citation or make an arrest under this section unless the law enforcement officer reasonably believes that an offense has occurred and that, based upon any response and other circumstances, no defense in Subsections (1) through (8) of this section is present. If the law enforcement officer believes that an offense has occurred and that, based upon any response and other circumstances, no defense in Subsections (1) through (8) of this section is present, the law enforcement officer shall warn the child or children to desist immediately from such violation and shall promptly report the violation to his superior officer, together with the name or names and address or addresses of the child or children and parents

or guardians of said child or children, and said superior officer shall cause a written notice to be served upon the parent, guardian or person in charge of such child or children, setting forth the manner in which this section has been violated.

(e) *Violation.* Any parent, guardian or person in charge of a child or children violating the provisions of this section, who, within a period of one year from the date of the violation, shall knowingly permit such child or children again to violate the provisions of this section, after receipt of the first violation notice served pursuant to Subsection (d) of this section, shall be fined not less than \$5.00 nor more than \$100.00 for each offense.

Effective date: This ordinance shall be in effect immediately upon adoption

Legislative History: 7/1/15 Board of Commissioners referred to the Law Enforcement Committee

15-4288

Sponsored by: STANLEY MOORE, County Commissioner

PROPOSED ORDINANCE AMENDMENT

DRINKING ON THE PUBLIC WAY

Sec. 58-171. - Drinking on the public way.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Child means any person, male or female who has not reached their 17th birthday is considered, for purposes of this section only, to be a child or children as the case may be.

County means (a) any unincorporated area or territory of Cook County, Illinois, and (b) any area of primary local police enforcement by the Cook County Sheriff's Office as defined by an intergovernmental agreement between the Sheriff's Office and the local municipality as approved by the Board of Commissioners. *County* does not include any area within an incorporated city, village, or town ~~lying in whole or in part within the territory of Cook County, Illinois which has not entered into an intergovernmental agreement with the Sheriff County of Cook which authorizes the Sheriff to provide primary local police enforcement.~~

(b) It shall be unlawful for any person to drink any alcoholic liquor as defined by law on any public way ~~under the jurisdiction of the~~ within County. This section shall not apply to portions of the public way occupied by a sidewalk cafe, which is properly licensed to sell alcoholic liquor.

(c) Any person violating any provision of this section shall be fined \$75.00.

Effective date: This ordinance shall be in effect immediately upon adoption

Legislative History: 7/1/15 Board of Commissioners referred to the Law Enforcement Committee

15-4289

Sponsored by: STANLEY MOORE, County Commissioner

PROPOSED ORDINANCE AMENDMENT

OFFENSES INVOLVING PROPERTY RIGHTS

ARTICLE II. - OFFENSES INVOLVING PROPERTY RIGHTS

Sec. 58-41. - Vandalism and related offenses.

(a) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Adjudicatory body means a judge assigned to the Circuit Court of Cook County or an administrative law officer appointed pursuant to Chapter 2, Administration, Article IX, Administrative Hearings, of this Code.

County means (a) any unincorporated area or territory of Cook County, Illinois, and (b) any area of primary local police enforcement by the Cook County Sheriff's Office as defined by an intergovernmental agreement between the Sheriff's Office and the local municipality as approved by the Board of Commissioners. County does not include any area within an incorporated city, village, or town which has not entered into an intergovernmental agreement with the Sheriff County of Cook which authorizes the Sheriff to provide primary local police enforcement.

Legal guardian shall include a person appointed guardian, or given custody of a minor by a Circuit Court of this State, but does not include a person appointed guardian, or given custody of a minor under the Juvenile Court Act of 1987 (705 ILCS 405/1-1 et seq.).

Minor means a person who has attained 11 years of age but who has not yet reached 18 years of age.

Property shall include any real estate including improvements thereon, and tangible personalty.

(b) Parents or legal guardians held criminally responsible. Acts of vandalism resulting in damage to real or personal property within the ~~unincorporated~~ areas of the County have increased, posing a threat to the value of property and the welfare of residents. It is in the best interests of the County that such acts be prosecuted by the County as a local offense; that penalties therefor be imposed which are related to the nature of the act and the type of offender; and that parents or legal guardians of minors who allow such acts to be committed by such minors be held criminally responsible for the failure to prevent the commission of such acts. The diligent pursuit of such interests will tend to increase parental supervision of minors and reduce the incidence of juvenile vandalism, thus advancing the welfare of residents of the County.

(c) Unlawful acts. Within ~~unincorporated~~ Cook County no person shall:

- (1) Knowingly or recklessly damage or cause to be damaged any property of another person without his consent; or
- (2) Knowingly and without authority enter into or obtain control over any motor vehicle, bicycle, aircraft or water craft or any part thereof of another person without his consent.

(d) Penalty for committing unlawful act. It shall be unlawful for any parent or guardian of any minor living with its parents or guardian to neglect to restrain such minor from committing any act prohibited by Subsection (c) of this section. The commission of any act prohibited by Subsection (c) of this section by a minor who is living with its parents or guardian shall raise the presumption that the parent or guardian has neglected to restrain such minor from committing such act. It shall be an affirmative defense for the parent or guardian to prove that such parent or guardian exercised his duty to restrain the minor from committing the act prohibited by Subsection (c) of this section complained of in the pending action, but that such action on the part of the parent or guardian to attempt to restrain said minor, although exercised with due care, was unsuccessful.

(e) Violation of Subsection (c). Every person or minor found guilty of an offense under Subsection (c) of this section shall be subject to either or both of the following penalties:

(1) Fine. A fine not in excess of \$1,000.00.

(2) ~~Court~~ Adjudicatory Body supervision.

- a. *Time period; termination.* The ~~court~~ Adjudicatory Body may, without entering a judgment of guilty, place such person under ~~court~~ Adjudicatory Body supervision for any period not exceeding one year. Such supervision may include any of the conditions provided for in Subsection (e)(2)b of this section as the ~~court~~ Adjudicatory Body determines appropriate. If the person completes the period of supervision without violating the conditions imposed by the ~~Court~~ Adjudicatory Body, the ~~Court~~ Adjudicatory Body shall discharge the defendant from supervision and dismiss the charge against the defendant. If the person, while under ~~court~~ Adjudicatory Body supervision, is convicted of any criminal offense in any jurisdiction and the State's Attorney or municipal prosecutor, as the case may be, moves for termination of supervision, the ~~Court~~ Adjudicatory Body shall terminate the supervision and enter a judgment of guilty on the plea or finding.
- b. *Conditions.* The conditions of ~~court~~ Adjudicatory Body supervision may, in addition, require that the defendant:
 1. Work or pursue a course of study or vocational training;
 2. Make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or \$1,000.00, whichever is less;
 3. Undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism; and
 4. If a minor, to reside with his parent or in a foster home; attend school; attend a nonresidential program for youth, or contribute to his own support at home or in a foster home.
- c. *Restitution or reparation.* When a ~~court~~ Adjudicatory Body orders restitution or reparation as a condition for ~~court~~ Adjudicatory Body supervision, the ~~court~~ Adjudicatory Body shall determine the amount and conditions of payment. When the conditions of payment have not been satisfied, the ~~court~~ Adjudicatory Body, at any time prior to the expiration or termination of the period of ~~court~~ Adjudicatory Body supervision may impose an additional period of not more than two years. Only the conditions of payment shall continue to apply during such additional period. The ~~court~~ Adjudicatory Body shall retain all of the incidents of the original sentence, including the authority to modify or enlarge the original conditions and to revoke the penalty of ~~court~~ Adjudicatory Body supervision if the conditions of payment are violated during such additional period.
- d. *Petition charging violation of condition.* When the petition is filed charging a violation of a condition imposed for ~~court~~ Adjudicatory Body supervision, the ~~court~~ Adjudicatory Body:
 1. May order a summons to the offender to appear; or order a warrant for the offender's arrest where there is danger of his fleeing the jurisdiction or causing serious harm to others or when the offender fails to answer a summons. The issuance of such warrant or summons shall stay the sentence of court supervision until the final determination of the charge, and the term of court supervision shall not run so long as the offender has not answered the summons or warrant...
 2. Shall conduct a hearing of the alleged violation. The court may admit the offender to

~~bail pending the hearing.~~

3. Shall receive evidence ~~in open court~~ with the right of confrontation, cross-examination and representation by counsel. The County has the burden of going forward with the evidence and proving the violation by the preponderance of the evidence.
 4. Shall not revoke ~~court~~ Adjudicatory Body supervision for failure to comply with conditions of a sentence which imposes financial obligations upon the offender unless such failure is due to willful refusal to pay.
 5. May modify the conditions of ~~court~~ Adjudicatory Body supervision on motion of the County or on its own motion or at the request of the offender after notice to all parties and a hearing.
- e. Penalty for violation of condition. If the ~~court~~ Adjudicatory Body finds that the offender has violated a condition at any time prior to the expiration or termination of the period, it may continue the offender on the existing period, with or without modifying or enlarging the conditions, or may impose any other penalty that was available at the time of the initial penalty.
- f. Revocation appealable. A judgment revoking a sentence of ~~court~~ Adjudicatory Body supervision is a final appealable order.

(f) Penalty for parental neglect to restrain minor. Every person found guilty of an offense under Subsection (d) of this section shall pay a fine not in excess of \$1,000.00.

(g) Parental liability for fine imposed upon minor. The parent or legal guardian of a minor defendant who resides with such parent or legal guardian shall be liable for any fine or condition of restitution or reparation imposed by a ~~court~~ Adjudicatory Body upon a minor for violation of this article, provided that said minor has not paid said fine or made restitution or reparation within the time ordered by the ~~court~~ Adjudicatory Body, and further provided that said parent or legal guardian has been served with summons or notice to appear in the original cause against such minor and all proceedings thereafter.

Effective date: This ordinance shall be in effect immediately upon adoption

Legislative History: 7/1/15 Board of Commissioners referred to the Law Enforcement Committee


Secretary

Chairman: Moore
Vice-Chairman: Silvestri
Members: Arroyo Jr., Butler, Fritchey, Goslin, Tobolski