

PROPOSED SUBSTITUTE TO FILE ID 15-4287
Law Enforcement Committee 7/29/2015
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Sponsored by: STANLEY MOORE, County Commissioner

PROPOSED ORDINANCE AMENDMENT

ORDINANCE AMENDMENT REGARDING CURFEW FOR UNDERAGE PERSONS

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 58, Offenses and Miscellaneous Provisions, Sec. 58-1 is hereby amended as follows:

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 any unincorporated area or territory of Cook County, Illinois, and does not include any incorporated city, village, or town lying in whole or in part within the territory of Cook County, Illinois.

Enforcement Area means the County and any area of primary local police enforcement by the Cook County Sheriff's Office as defined by an intergovernmental agreement between the County and the local municipality, which authorizes the Sheriff to provide primary local police enforcement and expressly references the local municipality's agreement to comply with County Ordinances, which many in any manner relate to the provision of primary local police enforcement by the Cook County Sheriff's Office.

- (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~~ Enforcement Area 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