



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

File #: 18-3310, Version: 1

PROPOSED ORDINANCE AMENDMENT

INCREASING PENALTIES AND FINES FOR PUBLIC MORALS VIOLATIONS

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Article IV Offenses Involving Public Morals, Section 58-163.1 of the Cook County Code is hereby amended as Follows:

Sec. 58-163.1. - Public morals nuisance violations.

(e) *Public morals nuisance violations, penalties.*

- (1) Any person who violates any provision of Subsections (c) and (d) of this section shall be civilly liable for a public morals nuisance violation and shall be fined not less than \$500.00 and not more than ~~\$1,000.00~~ \$2,000.00. In addition to payment of fines imposed under this subsection, a violator may be required to perform a minimum of 100 hours of community service in a program under the direction of the Sheriff. Failure to complete required community service hours shall result in an additional minimum penalty of \$500.00.
- (2) Any person who is found in violation of any provision of Subsections (c) and (d) two or more times within two years shall have their name, hometown and photograph Posted on a Web site operated by the Cook County Sheriff's Office for two years Following the date of the most recent violation.
- ~~(2)~~(3) Any violations of Subsections (c) and (d) by a county licensee, including, but not limited to liquor, and roadhouse licensees, may be cause for suspension or revocation of such license.
- ~~(3)~~(4) Any motor vehicle that is used in violation of Subsections (c) and (d) shall be subject seizure and impoundment pursuant to Section 58-164.
- ~~(4)~~(5) Fines collected under this subsection shall be deposited in the Women's Justice Services Fund established by County Ordinance and shall be used to fund rehabilitation services, including mental health and substance abuse treatment services, provided by and through the Sheriff's Office Department of Women's Justice Services.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Article IV Offenses Involving Public Morals, Section 58-163.1 of the Cook County Code is hereby amended as Follows:

Sec. 58-163.1. - Public morals nuisance violations.

(f) *Administrative adjudication.* Any person issued a notice of violation by the Sheriff for violation of any provision of this section may request an administrative hearing.

(1) Notice.

a-(i) Before any administrative adjudication proceeding may be conducted, the parties shall be afforded notice in compliance with this section.

b-(ii) Unless otherwise provided by law or rule, the issuer of a notice of violation or notice of hearing shall specify on the notice his or her name and department; where known, the name and address of the person or entity charged with the violation; the date, time and place of the violation; and the section of the code or departmental rule or regulation which was allegedly violated; and shall certify the correctness of the specified information by signing his or her name to the notice. A notice of hearing shall also include the date, time and location of the hearing and the penalties for failure to appear at the hearing. Notice of violation or notice of hearing shall be served upon the alleged violator no less than seven calendar days prior to the date of the hearing: (a) by first class, certified, or express mail or by overnight carrier at the violator's residence address or (b) by personal service.

e-(iii) ~~The County shall notify the violator, within ten days, by certified mail return receipt requested, that an administrative adjudication hearing will be conducted. The hearing shall be scheduled and held, unless continued by order of the administrative law officer, no later than 30 days after the date of the violation.~~

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Article IV Offenses Involving Public Morals, Section 58-163.1 of the Cook County Code is hereby amended as Follows:

Sec. 58-163.1. - Public morals nuisance violations.

(g) *Administrative hearings.*

(1) Any administrative adjudication proceeding conducted by the County shall afford the parties an opportunity for a hearing before an administrative law officer.

(2) An attorney who appears on behalf of any person shall file with the administrative law officer a written appearance on a form provided for such purpose.

(3) ~~While the~~The case for the County will not be presented by the administrative law officer,; ~~documentary evidence, however, including the notice of violation, which has been prepared by the Sheriff, may be presented at the hearing by the administrative law officer,however, documentary evidence including the notice of violation~~

which has been prepared by the Sheriff or a representative of the Sheriff's Office, may be presented at hearing by the administrative law officer.

- (4) The administrative law officer may grant continuances only upon a finding of good cause.
- (5) All testimony shall be given under oath or affirmation.
- (6) The administrative law officer may permit witnesses to submit their testimony by affidavit.
- (7) The formal and technical rules of evidence shall not apply in the conduct of the hearing. Evidence, including hearsay, may be admitted only if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs.
- (8) No violation may be established except upon proof by a preponderance of the evidence, provided, however, that a violation notice, or a copy thereof, shall be prima facie evidence of the correctness of the facts specified therein.
- (9) Upon the timely request of any party to the proceeding, any person, who the administrative law officer determines may reasonably be expected to provide testimony which is material and which does not constitute a needless presentation of cumulative evidence, shall be made available for cross-examination prior to a final determination of liability.
- (10) The record of all hearing before an administrative law officer shall include: (i) a record of the testimony presented at the hearing, which may be made by tape recording or other appropriate means; (ii) all documents presented at the hearing (iii) a copy of the notice of violation or notice of hearing; and (iv) a copy of the findings and decision of the administrative law officer.
- (11) Upon conclusion of a hearing, the administrative law officer shall issue a final determination of liability or no liability. Upon issuing a final determination of liability the administrative law office may; (i) impose penalties and/or fines that are consistent with this Section or other applicable provisions of the County Code; (ii) issue orders that are consistent with applicable provisions of the County Code; and/or (iii) assess costs reasonably related to instituting the administrative adjudication proceeding; provided, however, that in no event shall the administrative law officer have the authority to impose a penalty of imprisonment, ~~or, except in cases to enforce the collection of any tax imposed and collected by the county, where this limitation shall not apply, impose a fine in excess of \$5,000.00 exclusive of costs of enforcement or costs imposed to secure compliance with this Code.~~
- (12) In the issuance of a final determination of liability, an administrative law officer shall Inform the violator of his or her right to seek judicial review of the final determination.

~~(h) *Compliance bond.* In order to ensure that code violations are remedied or fines are paid in a timely manner, an administrative law officer, upon issuing a final determination of liability, may require a code violator to post with the County a compliance bond. Bonds shall be approved by the County Comptroller as to form and amount.~~

~~(i)(h) *Hearing procedures not exclusive.* The use of the administrative adjudication procedure for public morals~~

nuisance violations shall not preclude the county from using other methods to enforce the provisions of Section 58-167.

(j)(i) *Women's Justice Services Fund.* As set forth in County Ordinance, fines collected for violations of this section shall be accounted for and turned over not less than monthly to the Cook County Treasurer. The Treasurer shall create and deposit all such fees in a special fund, the "Women's Justice Services Fund" which shall be subject to budget and appropriation for purposes related to operation of the rehabilitation programs provided by the Department of Women's Justice Services and for female juveniles in the Juvenile Temporary Detention Center. The Fund shall be appropriated as follows:

(1) Sixty per cent shall be appropriated to the Office of the Sheriff for the operation of the rehabilitation programs of the Department of Women's Justice Services; and

(2) Forty percent shall be appropriated to the Juvenile Temporary Detention Center Foundation to continue rehabilitation programs for girls detained on the Wings unit of the Juvenile Temporary Detention Center.

BE IT FURTHER ORDAINED, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Article IV Offenses Involving Public Morals, Section 58-163.1 of the Cook County Code is hereby amended as Follows:

Sec. 58-163.1. - Public morals nuisance violations.

(j) Court Fees and Costs

Court Fees and/or costs added to fines imposed related to conducting the administrative proceeding shall be appropriated to the Department of Administrative Hearings and shall be deposited with the Cook County Department of Revenue.

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