

SPONSORS: HOPKINS, DOWELL, ERVIN, HALL

SUBSTITUTE
ORDINANCE

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

SECTION 1. Chapter 8-16 of the Municipal Code of Chicago is hereby amended by inserting a new Section 8-16-021, as follows:

8-16-021 Declaration of disruptive youth gathering.

(a) *Definitions.* As used in this section:

"Disruptive youth gathering" means a gathering in a public place during which three or more minors commit, or are likely to commit, acts of disorderly conduct as defined in Section 8-4-010(d) of this Code that are likely to cause substantial harm to the safety of the community or others, or substantial damage to property, or substantial injuries to a person, including participants.

"Snap curfew" means a temporary curfew of limited duration, applicable in a described geographic area, commencing and enforceable upon an announced start time, and expiring upon a predetermined ending time, established by declaration and public announcement not less than thirty minutes prior to the start time.

"Superintendent" means the Superintendent of Police.

The following terms have the respective meanings ascribed to them in Section 8-16-020: "guardian", "minor", "parent", "public place", and "remain".

(b) *Superintendent's Dispersal Declaration.* Whenever the Superintendent has determined that there is probable cause to believe that a disruptive youth gathering will occur, the Superintendent may issue a dispersal declaration for the applicable public places anticipated to be affected by such disruptive youth gathering. Such declaration must advise the general public that the Police Department has probable cause to believe that a potential disruptive youth gathering will occur at a clearly identified public place during a specific time period. The declaration must also indicate that any minor who participates in the disruptive youth gathering is subject to dispersal, and that any minor who fail to obey a lawful dispersal order is subject to arrest. For purposes of this section, evidence of probable cause shall be objective facts, information, and data supporting a dispersal declaration, including, but not limited to, social media posts, written materials such as flyers, or a history of disruptive youth gatherings promoted for a particular place, by a particular promoter, or on a recurring basis.

(c) *Notification.* Upon issuing a dispersal declaration under this subsection, the Superintendent shall notify: (i) the public of the public places subject to such declaration, including if feasible causing such information to be posted around the public places subject to the declaration, in accordance with procedures promulgated by the Superintendent; (ii) the Office of Emergency Management and Communications; and (iii) the applicable incident commander to ensure that the applicable district or beat has appropriate staffing levels and resources in light of the anticipated size and scope of the planned disruptive youth gathering. Upon receipt of such notification, the Office of Emergency Management and Communication shall, if feasible, post notification via social media, and will issue notification of the dispersal declaration to the Chicago Public School system, any other affected Sister Agency, and Aldermanic offices of ward(s) within

the declared site of the dispersal declaration. The Superintendent shall collaborate with the Mayor's Office to ensure widespread dissemination of the dispersal declaration to the communities most likely to be affected by the disruptive youth gathering.

(d) *Offenses.*

(1) Any minor who knowingly remains in any public place in violation of a dispersal order issued under this section commits an offense.

(2) A parent or guardian of a minor commits an offense if the parent or guardian by insufficient control, knowingly allows the minor to remain in any designated public place during a dispersal order issued under this section.

(e) *Rules.* The Superintendent shall promulgate written directives to prevent the enforcement of this section against persons who are engaged in exercising First Amendment rights protected by the United States Constitution or the State of Illinois Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

(f) *Enforcement.* At least 10 minutes before implementing a dispersal order to implement a dispersal declaration issued under this subsection, the applicable incident commander, or their designee holding the rank of sergeant or above, shall issue a verbal notice: (i) informing those present at the public places subject to the dispersal declaration that they are present at a public place subject to the dispersal declaration; (ii) informing those present of the time the dispersal order takes effect and the public places subject to the dispersal; (iii) ordering all minors to disperse and remove themselves from the public places subject to the dispersal order; and (iv) informing minors that they may be subject to enforcement if they remain in such public places after the dispersal order takes effect. Verbal notification may be issued vocally, via public address system or other electronic amplification, or a combination thereof. Upon establishment of the 10-minute period for verbal notice, the announcement(s) may be repeated by any police officers on scene, at their discretion, without impacting the start of the designated enforcement time.

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 or take a minor into custody 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 (g) is present. Nothing in this section shall be construed to prohibit or limit the ability of any member of the Police Department to issue a dispersal order pursuant to this Code, any directive of the Superintendent, or other applicable law, including any dispersal order issued concurrently with or after the issuance of a declaration of a dispersal under this section. Nothing in this section shall be construed to prohibit or limit the Police Department from enforcing applicable laws or making lawful arrests during the issuance or enforcement of a dispersal order. The Police Department retains the discretion to make lawful arrests for failure to disperse when necessary to maintain public safety.

(g) *Defenses.* It is a defense to prosecution under this section 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 or the State of Illinois 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, traveling to, 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 or ticket stub or wristband with the event name preprinted on it.

(h) *Penalties.* Any person who violates this section is subject to a fine not to exceed \$250 or community service pursuant to Section 1-4-120 of this Code, or both. For purposes of this subsection only, community service may include attending supportive social services. Any person who knowingly permits, causes, aids, abets, incites, assists, or encourages a minor to remain in any public place in violation of a curfew declared under this section shall be subject to prosecution under Section 8-16-125.

(i) *Quarterly Reporting; Appearance before committee.* On a quarterly basis, the Superintendent shall provide to the City Council Committee on Public Safety, or its successor committee, a report detailing all dispersal declarations declared under this section for the preceding quarter. On or before December 31 of each year, the Superintendent and Deputy Mayor of Community Safety within the Mayor's Office, or that person's designee, shall appear at a hearing of the City Council Committee on Public Safety, or its successor committee, to report on, and answer questions concerning, enforcement under this section.

(j) *Snap Curfews -- prohibited.* Snap Curfews in response to a disruptive youth gathering as defined in this section are not permitted, and nothing in this Section shall allow for the immediate implementation of curfew enforcement under this section. Nothing in this Section shall restrict or otherwise affect the authority to issue curfews as otherwise provided by ordinance or state law.

SECTION 2. Section 8-16-022 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

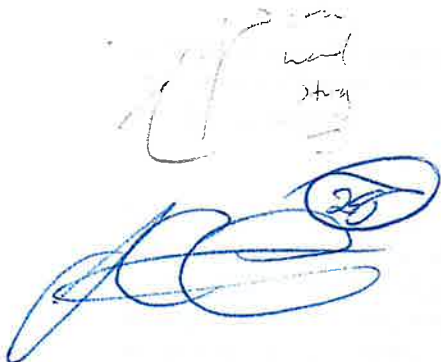
8-16-022 Custody procedure.

Any police officer who finds a minor in violation of Section 8-16-020 or Section 8-16-021 is authorized to take such minor into custody until such time as the minor's parent, legal guardian, or other adult having legal care or custody of the minor is located and notified of the violation, and takes custody of the minor from the police. If no such person can be located within a reasonable period of time, the minor shall be referred to the appropriate juvenile authorities.

SECTION 3. This ordinance takes effect 10 days after passage and publication.

Pat Dowell, 3rd

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Handwritten signature in blue ink, possibly reading "Pat Dowell".