

To: Public Safety

## 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 Curfew for Mass Gatherings.**

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

“Mass gathering” means a gathering of 20 or more people in a public place for the purpose of engaging in, or that is likely to result in, criminal conduct, including reckless conduct under 720 ILCS 5/12-5, disorderly conduct under Section 8-4-010, or that otherwise presents or causes, or is likely to present or cause, an unreasonable risk to public health, safety, or welfare.

“Superintendent” means the Superintendent of the Chicago Police Department.

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

(b) *Declaration of curfew for mass gathering by Superintendent.* Whenever the Superintendent has probable cause to believe that a mass gathering will occur, the Superintendent may declare a curfew for the applicable public places anticipated to be affected by such mass gathering. Such declaration must clearly identify the time the curfew takes effect and the public places subject to the curfew.

Upon declaring a curfew under this subsection, the Superintendent, or their designee, shall: (i) notify the public of the curfew imposed by and 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) notify the Office of Emergency Management and Communications, the Fire Department, the applicable local Aldermen, and any applicable Sister Agencies of the curfew imposed by and public places subject to such declaration, in accordance with procedures promulgated by the Superintendent; and (iii) notify the applicable District Commander to ensure the applicable district or beat has appropriate staffing levels and resources in light of the anticipated size and scope of the planned mass gathering.

At least 30 minutes before a curfew declared under this subsection takes effect, the applicable District Commander, or their designee holding the rank of captain or above, shall issue a verbal notice: (i) informing those present at mass gathering that a curfew has been declared, the time the curfew takes effect, and the public places subject to the curfew; (ii) ordering all minors to disperse and remove themselves from the public places subject to the declaration; and (iii) informing minors that they may be subject to enforcement if they remain in such public places after the curfew takes effect.

(c) *Declaration of curfew for mass gathering by District Commander.* Whenever a District Commander, or their designee holding the rank of captain or above, has probable cause to believe that a mass gathering will or is about to occur, and the Superintendent has not issued a curfew declaration under subsection (b), the District Commander, or such designee, may declare a curfew for the applicable public places affected by such mass gathering. Such declaration must

clearly identify the time the curfew takes effect and the public places subject to the curfew; provided, however, that a curfew declared under this subsection must allow not less than 30 minutes to allow any minors present at the mass gathering to disperse.

Upon declaring a curfew under this subsection, the District Commander, or their designee holding the rank of captain or above, shall: (i) notify the Superintendent, the Office of Emergency Management and Communications, and, if applicable, the District Commander, of such declaration, in accordance with procedures promulgated by the Superintendent; (ii) issue a verbal notice of such declaration to the mass gathering indicating that a curfew has been declared, the time the curfew takes effect, and the public places subject to the curfew; (iii) order all minors to disperse and remove themselves from the public places subject to the declaration prior to the curfew taking effect; and (iv) inform that minors may be subject to enforcement if they remain in such public places after the curfew takes effect.

(d) *Rules.* The Superintendent shall promulgate written directives to prevent the enforcement of this section against persons who are engaged in collective advocacy activities that are protected by the Constitution of the United States or the State of Illinois.

(e) *Enforcement.* A police officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred. 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 subsequent to, any declaration of curfew under this section.

(f) *Defenses.* The applicable defenses provided in Section 8-16-020(c) shall apply to any prosecution for violation of a curfew declared under this section.

(g) *Penalties.* Any minor who remains in any public place in violation of a curfew declared under this section, or any other person who incites or assists a minor to violate a curfew declared under this section, is subject to a fine not to exceed \$500 or 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 12-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. Any person who knowingly or willfully permits, causes, aids, abets, 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.

(h) *Quarterly Reporting.* On a quarterly basis, the Superintendent shall provide to the City Council Committee on Public Safety, or its successor committee, a report detailing all curfews declared under this section for the preceding quarter.


**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.

  
BRIAN HOPKINS  
Alderman, 2nd Ward

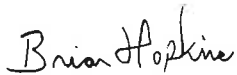
  
Pat Howell  
3rd Ward  
Alderman

  
JASON C. ERVIN  
Alderman, 28th Ward

# Compromise Curfew Ordinance

The following legislation is being introduced by Alderman Hopkins, Alderman Ervin, and Alderman Dowell regarding 8-16-021 Declaration of Curfew for Mass Gatherings.

Alderman La Spata Ward 1



Alderman Hopkins Ward 2



Alderman Dowell Ward 3

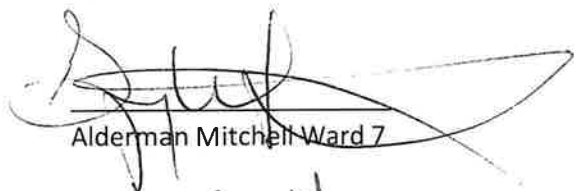


Alderman Robinson Ward 4



Alderman Yancy Ward 5

Alderman Hall Ward 6



Alderman Mitchell Ward 7



Alderman Harris Ward 8

Alderman Beale Ward 9



Alderman Chico Ward 10

Alderman Lee Ward 11

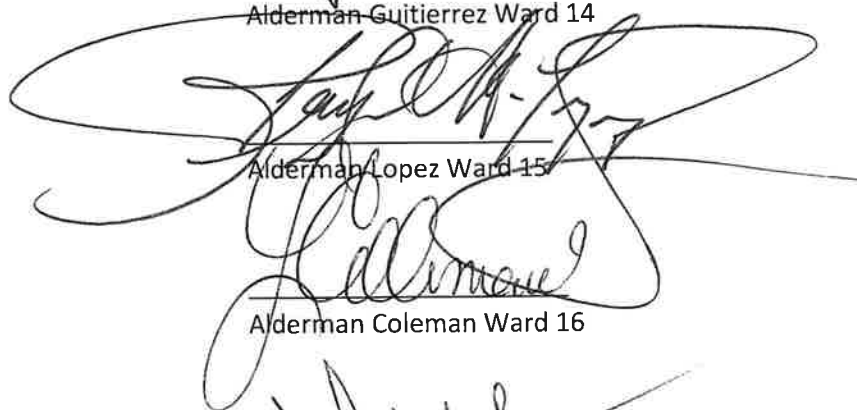
Alderman Ramirez Ward 12



Alderman Quinn Ward 13



Alderman Gutierrez Ward 14

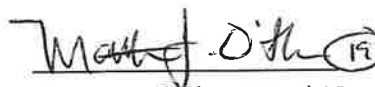


Alderman Lopez Ward 15

Alderman Coleman Ward 16

Alderman Moore Ward 17

Alderman Curtis Ward 18



Alderman O'Shea Ward 19

Alderman Taylor Ward 20

Alderman Mosley Ward 21

Alderman Rodriguez Ward 22

# Compromise Curfew Ordinance

The following legislation is being introduced by Alderman Hopkins, Alderman Ervin, and Alderman Dowell regarding 8-16-021 Declaration of Curfew for Mass Gatherings.



Alderman Tabares Ward 23



Alderman Conway Ward 34



Alderman Scott Ward 24

Alderman Quezada Ward 35

Alderman Sigcho-Lopez Ward 25

Alderman Villegas Ward 36

Alderman Fuentes Ward 26

Alderman Mitts Ward 37

Alderman Burnett Ward 27

Alderman Sposato Ward 38

Alderman Ervin Ward 28

Alderman Nugent Ward 39

Alderman Taliaferro Ward 29

Alderman Vasquez Ward 40

Alderman Cruz Ward 30

Alderman Napolitano Ward 41

Alderman Cardona Ward 31

Alderman Reilly Ward 42

Alderman Waguespack Ward 32

Alderman Knudsen Ward 43

Alderman Rodriguez Sanchez Ward 33

Alderman Lawson Ward 44

# Compromise Curfew Ordinance

The following legislation is being introduced by Alderman Hopkins, Alderman Ervin, and Alderman Dowell regarding 8-16-021 Declaration of Curfew for Mass Gatherings.

  
Alderman Gardiner Ward 45

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Mayor Johnson

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Alderman Clay Ward 46

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Clerk Valencia

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Alderman Martin Ward 47

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Alderman Manaa-Hoppenworth Ward 48

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Alderman Hadden Ward 49

  
Alderman Silverstein Ward 50