



# City of Chicago



O2020-4558

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 9/9/2020

**Sponsor(s):** O'Shea (19)  
Hopkins (2)  
Mitchell (7)  
Beale (9)  
Thompson (11)  
Cardenas (12)  
Lopez (15)  
Moore (17)  
Curtis (18)  
Tabares (23)  
Scott, Jr. (24)  
Reboyras (30)  
Cardona, Jr. (31)  
Sposato (38)  
Nugent (39)  
Napolitano (41)  
Reilly (42)  
Smith (43)  
Gardiner (45)  
Cappleman (46)  
Silverstein (50)  
Brookins (21)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Chapters 2-14 and 8-4 by modifying Section 2-14-132 and adding new Section 8-4-025 to establish fines and penalties for violations of looting

**Committee(s) Assignment:** Committee on Public Safety

## ORDINANCE

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

**SECTION 1.** Section 2-14-132 of the Municipal Code of Chicago is hereby amended by inserting the language underscored, as follows:

#### **2-14-132 Impoundment.**

(a) (1) Whenever the owner of a vehicle seized and impounded pursuant to Sections 3-46-076, 3-56-155, 4-68-195, 9-80-220, 9-112-640 or 9-114-420 of this Code (for purposes of this section, the "status-related offense sections"), or Sections 7-24-225, 7-24-226, 7-28-390, 7-28-440, 7-38-115(c-5), 8-4-025, 8-4-130, 8-8-060, 8-20-070, 9-12-090, 9-32-040, 9-76-145, 9-80-225, 9-80-240, 9-92-035, 10-8-480(c), 11-4-1410, 11-4-1500 or 15-20-270 of this Code (for purposes of this section, the "use-related offense sections") requests a preliminary hearing in person and in writing at the department of administrative hearings, within 15 days after the vehicle is seized and impounded, an administrative law officer of the department of administrative hearings shall conduct such preliminary hearing within 48 hours of request, excluding Saturdays, Sundays and legal holidays, unless the vehicle was seized and impounded pursuant to Section 7-24-225 and the department of police determines that it must retain custody of the vehicle under the applicable state or federal forfeiture law. If, after the hearing, the administrative law officer determines that there is probable cause to believe that the vehicle was used in a violation of this Code for which seizure and impoundment applies, or, if the impoundment is pursuant to Section 9-92-035, that the subject vehicle is eligible for impoundment under that section, the administrative law officer shall order the continued impoundment of the vehicle as provided in this section unless the owner of the vehicle pays to the city the amount of the administrative penalty prescribed for the code violation plus fees for towing and storing the vehicle.

*(Omitted text is not affected by this ordinance)*

**SECTION 2.** Chapter 8-4 of the Municipal Code of Chicago is hereby amended by adding a new section 8-4-025, as follows:

#### **8-4-025 Looting.**

(a) For purposes of this section, the following definitions shall apply:

"Emergency conditions" means that normal security of property is not present in an area of the City by virtue of a hurricane, fire, riot, mob, or any other natural or man-made crisis.

"Forcible entry" means: (1) tampering with, breaking, or otherwise compromising the structural or functional integrity of a door, window or other opening in a building or structure, or (2) entering a building or structure that has been so compromised.

(b) No person shall, without authority of law or permission of the owner or lawful occupant, engage in forcible entry or remove property from a building or structure that has been subjected to forcible entry when emergency conditions are present. A violation of this subsection shall constitute the offense of looting. Each person engaged in looting shall be liable for a violation of this section regardless of how many other persons are engaged in looting.

(c) Any person who violates subsection (b) shall be fined not less than \$1,000 nor more than \$2,000, or imprisoned for a period of not more than six months, or both fined and imprisoned, for each offense.

(d) Any vehicle used to enable or facilitate looting in violation of subsection (b) of this section shall be subject to seizure and impoundment pursuant to this section. The owner of record of such vehicle shall be liable to the city for an administrative penalty of \$2,000 in addition to fees for the towing and storage of the vehicle as provided in Section 9-92-080.

(e) Whenever a police officer has probable cause to believe that a vehicle is subject to seizure and impoundment pursuant to this section, the police officer shall provide for the towing of the vehicle to a facility controlled by the City or its agents. Before or at the time the vehicle is towed, the police officer shall notify any person identifying himself as the owner of the vehicle at the time of the alleged violation or the person who is found to be in control of the vehicle at the time of the alleged violation, if there is such a person, of the fact of the seizure and of the vehicle owner's right to request a preliminary hearing to be conducted under Section 2-14-132 of this Code by serving such person with a copy of the vehicle impoundment seizure report.

(f) Section 2-14-132 shall apply whenever a motor vehicle is seized and impounded pursuant to this section.

**SECTION 3.** This ordinance shall take effect 10 days after its passage and publication.



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Matthew J. O'Shea  
Alderman, 19th Ward

Brian Hopkins

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Alderman Ward 2

Gregory Mitchell

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Alderman Ward 7

Anthony Beale

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Alderman Ward 9

Patrick D. Thompson

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Alderman Ward 11

George Cardenas

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Alderman Ward 12

Ray Lopez

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Alderman Ward 15

David Moore

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Alderman Ward 17

Derrick Curtis

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Alderman Ward 18

Sylvana Tabares

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Alderman Ward 23

Michael Scott, Jr.

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Alderman Ward 24

Ariel Reboyras

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Alderman Ward 30

Felix Cardona, Jr.

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Alderman Ward 31

Nicholas Sposato

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Alderman Ward 38

Samantha Nugent

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Alderman Ward 39

Anthony Napolitano

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Alderman Ward 41

Brendan Reilly

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Alderman Ward 42

Michele Smith

---

Alderman Ward 43

James Gardiner

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Alderman Ward 45

James Cappleman

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Alderman Ward 46

Debra Silverstein

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Alderman Ward 50



CITY OF CHICAGO

OFFICE OF THE CITY CLERK  
ANNA M. VALENCIA

### Chicago City Council Co-Sponsor Form

Document No.:

Subject:

#### Adding Co-Sponsor(s)

Please ADD Co-Sponsor(s) Shown Below – (Principal Sponsor's Consent Required)

Alderman   Ward  
(Signature)

Alderman \_\_\_\_\_  Ward  
(Signature)

Date Filed: \_\_\_\_\_ Principal Sponsor: \_\_\_\_\_  
(Signature)

#### Removing Co-Sponsor(s)

Please REMOVE Co-Sponsor(s) Below – (Principal Sponsor's Consent NOT Required)

Alderman \_\_\_\_\_  Ward  
(Signature)

Alderman \_\_\_\_\_  Ward  
(Signature)

Date Filed: \_\_\_\_\_

- Final Copies To Be Filed With:
- Chairman of Committee to which legislation was referred
  - City Clerk