REPORT OF THE COMMITTEE ON LAW ENFORCEMENT

September 20, 2011

The Honorable,
The Board of Commissioners of Cook County

ATTENDANCE

Present: Chairman Reyes, Vice Chairman Silvestri, Commissioners Butler, Gorman, Goslin and Tobolski (6)

Absent: Commissioner Fritchey (1)

Also Present: Commissioners Beavers, Collins, Daley, Gainer and Schneider; Patrick Driscoll, Jr. – Deputy State's Attorney, Chief, Civil Actions Bureau; David Feller – Legislative Coordinator, Office of the Sheriff; Jack Weinrauch – Director, Department of Administrative Hearings; Sergeant Arthur Jackson, Cook County Police Department

Ladies and Gentlemen:

Your Committee on Law Enforcement of the Board of Commissioners of Cook County met pursuant to notice on Tuesday, September 20, 2011 at the hour of 9:30 A.M. in the Board Room, Room 569, County Building, 118 North Clark Street, Chicago, Illinois.

Your Committee has considered the following item and, upon adoption of this report, the recommendations are as follows:

314393 OFFENSES AGAINST THE PUBLIC PEACE ORDINANCE (PROPOSED ORDINANCE). Submitting a Proposed Ordinance sponsored by Gregg Goslin, Edwin Reyes and Peter Silvestri, County Commissioners.

The following is a synopsis of the Proposed Ordinance:

PROPOSED ORDINANCE

OFFENSES AGAINST THE PUBLIC PEACE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Article VI Offenses Against the Public Peace, Sections 58-171 through 58-174 of the Cook County Code is hereby enacted as follows:

ARTICLE VI. OFFENSES AGAINST THE PUBLIC PEACE

Sec. 58-171. Intoxication.

Sec. 58-172. Disorderly conduct.

Sec. 58-173. Trespassing.

Sec. 58-174. Administrative adjudication.

Effective date: This Ordinance shall be in effect 30 days from adoption.

***Referred to the Committee on Law Enforcement on September 7, 2011.**

Vice Chairman Silvestri, seconded by Commissioner Goslin, moved to accept the Proposed Substitute Ordinance to Communication 314393. The motion carried.

PROPOSED SUBSTITUTE ORDINANCE TO COMMUNICATION NO. 314393

Sponsored by

THE HONORABLE EDWIN REYES, GREGG GOSLIN
and PETER N. SILVESTRI,
COUNTY COMMISSIONERS

OFFENSES AGAINST THE PUBLIC PEACE

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 58 Offenses and Miscellaneous Provisions, Sec. 58-171 through 58-174 of the Cook County Code is hereby enacted as follows:

ARTICLE VI. OFFENSES AGAINST THE PUBLIC PEACE

Sec. 58-171. ~~Intoxication~~. Drinking on the Public Way

~~(a) It shall be unlawful for any person to be in a state of intoxication in any street, alley or public place that is under jurisdiction of the County.~~

~~(b)~~(a) It shall be unlawful for any person to drink any alcoholic liquor as defined by law on any public way under the jurisdiction of the County. This section shall not apply to portions of the public way occupied by a sidewalk cafe, which is properly licensed to sell alcoholic liquor.

~~(c)~~(b) Any person violating any provision of this section shall be fined $75.00

Sec. 58-172. Disorderly conduct.

(a) It shall be unlawful for any person to commit disorderly conduct. A person commits disorderly conduct when he knowingly:

(1) Does any act in such unreasonable manner as to provoke, make or aid in making a breach of peace; or

(2) Resists or obstructs the performance by one known to the person to be a police

officer of any authorized act within his official capacity; or

(3) Fails to obey a lawful order of dispersal by a person known by him to be a police officer; or

(4) Does any offensive act which under the circumstances creates a clear and present danger of breach of the peace or imminent threat of violence; or

(5) Appears in any public place manifestly under the influence of alcohol, narcotics or other drug, not therapeutically administered, to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity; or

(6) Carries in a threatening or menacing manner, without authority of law, any razor, knife, stiletto, blackjack, bludgeon, metal knuckles, slingshot, any knife, the blade of which is released by a spring mechanism, including knives known as "switch-blades", undetectable knives as defined in Section 58-176 of this Code, an object containing noxious or deleterious liquid, gas or substance or other weapon, or conceals said weapon on or about the person or vehicle.

(b) A person found violating any provision of this section shall be fined $100.00.

Sec. 58-173. Trespassing.

A person commits trespass when he knowingly:

(a) Enters the property, or any part thereof, of another when, immediately prior to such entry, he receives notice, either oral or written, from the owner or occupant that such entry is forbidden; or
(b) Remains upon the property, or any part thereof, of another after receiving notice, either oral or written, from the owner or occupant to depart.

(c) Any person found in violation of this section shall be fined $100.00

Sec. 58-174. Administrative adjudication.

Any person issued a notice of violation for violation of Sec. 58-171 to Sec. 58-173 of this Article may request an administrative hearing in accordance with Chapter 2, Administration, Article IX, Administrative Hearings of this Code.

Effective date: This ordinance shall be in effect 30 days from adoption.

Commissioner Gorman, seconded by Vice Chairman Silvestri, moved to add the following language in the following sections:
~~(e)~~(b) Any person violating any provision of this section shall be fined $75.00~~.~~, not to exceed $300.00.
(b) A person found violating any provision of this section shall be fined $100.00~~.~~, not to exceed $300.00.
(c) Any person found in violation of this section shall be fined $100.00~~.~~, not to exceed $300.00.
The motion carried.

Following discussion, Commissioner Gorman, seconded by Vice Chairman Silvestri, moved to withdraw the above underlined language. The motion carried.

Commissioner Goslin, seconded by Vice Chairman Silvestri, moved to approve the Proposed Substitute Ordinance to Communication 314393 as amended. The motion carried. Commissioner Butler voted No.

Chairman Gainer asked the Secretary to the Board to call upon the registered public speaker, in accordance with Cook County Code, Sec. 2-107(dd):

1. George Blakemore – Concerned Citizen

Vice Chairman Silvestri moved to adjourn the meeting, seconded by Commissioner Gorman. The motion carried and the meeting was adjourned.

YOUR COMMITTEE RECOMMENDS THE FOLLOWING ACTION WITH REGARD TO THE MATTER NAMED HEREIN:

Communication Number 314393	Approved as Amended (Substitute Ordinance for Communication No. 314393)

Respectfully submitted,
Committee on Law Enforcement

Edwin Reyes, Chairman

Attest:

Matthew B. DeLeon, Secretary

*An audio recording of this meeting is available in the Office of the Secretary to the Board, 118 North Clark Street, Room 567, Chicago, IL 60602.