

TITLE XIII: GENERAL OFFENSES

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CHAPTER 130: GENERAL PROVISIONS

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§ 130.01 DEFINITIONS.

For the purposes of this title, the following words and phrases shall have the following meanings ascribed to them respectively.

ACT. The taking of action or a failure or omission to take action. (ILCS Ch. 720, Act 5, § 2-2)

ANOTHER. A person or persons other than the offender. (ILCS Ch. 720, Act 5, § 2-3)

CONDUCT. An act or a series of acts, and the accompanying mental state. (ILCS Ch. 720, Act 5, § 2-4)

OFFENSE. A violation of a penal statute of this city or state. (ILCS Ch. 720, Act 5, § 2-12)

§ 130.02 INTENT.

A person intends, or acts intentionally or with intent, to accomplish a result or engage in conduct described by the section defining the offense, when his conscious objective or purpose is to accomplish that result or engage in that conduct.
(ILCS Ch. 720, Act 5, § 4-4)

§ 130.03 KNOWLEDGE.

(A) A person knows, or acts knowingly or with knowledge of:

(1) The nature or attendant circumstances of his or her conduct, described by the statute defining the offense, when he or she is consciously aware that his or her conduct is of that nature or that those circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that the fact exists.

(2) The result of his or her conduct, described by the statute defining the offense, when he or she is consciously aware that that result is practically certain to be caused by his conduct.

(B) Conduct performed knowingly or with knowledge is performed wilfully, within the meaning of a statute using the term "wilfully", unless the statute clearly requires another meaning.

(C) When the law provides that acting knowingly suffices to establish an element of an offense, that element also is established if a person acts intentionally.
(ILCS Ch. 720, Act 5, § 4-5)

§ 130.04 RECKLESSNESS.

A person is reckless or acts recklessly when that person consciously disregards a substantial and unjustifiable risk that circumstances exist or that a result will follow, described by the statute defining the offense, and that disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation. An act performed recklessly is performed wantonly, within the meaning of a statute using the term wantonly, unless the statute clearly requires another meaning.
(ILCS Ch. 720, Act 5, § 4-6)

§ 130.05 NEGLIGENCE.

A person is negligent, or acts negligently, when that person fails to be aware of a substantial and unjustifiable risk that circumstances exist or a result will follow, described by the statute defining the offense, and that failure constitutes a substantial deviation from the standard of care that a reasonable person would exercise in the situation.
(ILCS Ch. 720, Act 5, § 4-7)

§ 130.06 ATTEMPT.

(A) *Elements of the offense.* A person commits an attempt when, with intent to commit a specific offense, he or she does any act which constitutes a substantial step toward the commission of that offense.

(B) *Impossibility*. It shall not be a defense to a charge of attempt that because of a misapprehension of the circumstances it would have been impossible for the accused to commit the offense attempted.

(C) A person convicted of an attempt may be fined not to exceed the maximum provided for the offense attempted. If such fine exceeds that set forth in § 130.99 below, however, the city shall enforce said offense under the provisions of state law.

(ILCS Ch. 720, Act 5, § 8-4) Penalty, see § 130.99

§ 130.99 PENALTY.

Whoever violates any provisions of this title for which another penalty is not specifically provided shall be fined not less than \$25 nor more than \$750.

CHAPTER 131: OFFENSES PERTAINING TO PROPERTY

Section

131.01 Damage of firefighting apparatus, hydrants, or equipment

131.02 Trespass to real property

131.03 Damaging city property

§ 131.01 DAMAGE OF FIREFIGHTING APPARATUS, HYDRANTS, OR EQUIPMENT.

No person shall willfully and maliciously cut, injure, damage, tamper with, destroy, or deface any fire hydrant, fire hose, fire engine, or other public or private firefighting equipment, or any apparatus appertaining to such equipment, or intentionally open any fire hydrant without proper authorization. (ILCS Ch. 720, Act 5, § 21-1(a)(8), (9)) Penalty, see § 130.99

§ 131.02 TRESPASS TO REAL PROPERTY.

(A) A person commits criminal trespass to real property when he or she:

(1) Knowingly and without lawful authority enters or remains within or on a building;

(2) Enters upon the land of another, after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden;

(3) Remains upon the land of another, after receiving notice from the owner or occupant to depart;

(4) Presents false documents or falsely represents his or her identity orally to the owner or occupant of a building or land in order to obtain permission from the owner or occupant to enter or remain in the building or on the land;

(5) Intentionally removes a notice posted on residential real estate as required by subsection (l) of Section 15-1505.8 of Article XV of the Code of Civil Procedure (ILCS Ch. 735, Act 5, § 15-1505.8(l)) before the date and time set forth in the notice; or

(6) Enters a field used or capable of being used for growing crops, an enclosed area containing livestock, an agricultural building containing livestock, or an orchard in or on a motor vehicle (including an off-road vehicle, motorcycle, moped, or any other powered two-wheel vehicle) after receiving, prior to the entry, notice from the owner or occupant that the entry is forbidden or remains upon or in the area after receiving notice from the owner or occupant to depart.

(7) For purposes of division (A)(1) of this section, this section shall not apply to being in a building which is open to the public while the building is open to the public during its normal hours of operation; nor shall this section apply to a person who enters a public building under the reasonable belief that the building is still open to the public.

(B) A person has received notice from the owner or occupant within the meaning of division (A) of this section if he or she has been notified personally, either orally or in writing including a valid court order as defined by subsection (7) of Section 112A-3 of the Code of Criminal Procedure of 1963 (ILCS Ch. 725, Act 5, § 112A-3(7)) granting remedy (2) of subsection (b) of Section 112A-14 of that Code (ILCS Ch. 725, Act 5, § 112A-14(b)(2)), or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to such land or the forbidden part thereof.

(C) This section does not apply to any person, whether a migrant worker or otherwise, living on the land with permission of the owner or of his or her agent having apparent authority to hire workers on this land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on the land at the request of, or by occupancy, leasing or other agreement or arrangement with the owner or his or her agent, nor to anyone invited by the migrant worker or other person so living on the land to visit him or her at the place he or she is so living upon the land.

(D) (1) A person shall be exempt from prosecution under this section if he or she beautifies unoccupied and abandoned residential and industrial properties located within any municipality.

(2) For the purpose of this division, ***UNOCCUPIED AND ABANDONED RESIDENTIAL AND INDUSTRIAL PROPERTY*** means any real estate:

(a) In which the taxes have not been paid for a period of at least two years; and

(b) Which has been left unoccupied and abandoned for a period of at least one year.

(3) ***BEAUTIFIES*** means to landscape, clean up litter, or to repair dilapidated conditions on or to board up windows and doors.

(E) (1) No person shall be liable in any civil action for money damages to the owner of unoccupied and abandoned residential and industrial property which that person beautifies pursuant to division (D) above.

(2) *Mortgagee or agent of the mortgagee exceptions.*

(a) A mortgagee or agent of the mortgagee shall be exempt from prosecution for criminal trespass for entering, securing, or maintaining an abandoned residential property.

(b) No mortgagee or agent of the mortgagee shall be liable to the mortgagor or other owner of an abandoned residential property in any civil action for negligence or civil trespass in connection with entering, securing, or maintaining the abandoned residential property.

(c) For the purpose of this division (E)(2) only, **ABANDONED RESIDENTIAL PROPERTY** means mortgaged real estate that the mortgagee or agent of the mortgagee determines in good faith meets the definition of abandoned residential property set forth in § 15-1200.5 of Article XV of the Code of Civil Procedure (ILCS Ch. 735, Act 5, § 15-1200.5).

(F) This section does not prohibit a person from entering a building or upon the land of another for emergency purposes. For purposes of this division (F), **EMERGENCY** means a condition or circumstance in which an individual is or is reasonably believed by the person to be in imminent danger of serious bodily harm or in which property is or is reasonably believed to be in imminent danger of damage or destruction.

(G) Division (A)(4) of this section does not apply to a peace officer or other official of a unit of government who enters a building or land in the performance of his or her official duties.

(H) A violation of division (A)(1) through (4) above is a Class B misdemeanor. A violation of division (A)(5) is a Class A misdemeanor.

(I) A person may be liable in any civil action for money damages to the owner of the land he or she entered upon with a motor vehicle as prohibited under division (A)(5) of this section. A person may also be liable to the owner for court costs and reasonable attorney's fees. The measure of damages shall be:

(1) The actual damages, but not less than \$250, if the vehicle is operated in a nature preserve or registered area as defined in Sections 3.11 and 3.14 of the Illinois Natural Areas Preservation Act;

(2) Twice the actual damages if the owner has previously notified the person to cease trespassing; or

(3) In any other case, the actual damages, but not less than \$50. If the person operating the vehicle is under the age of 16, the owner of the vehicle and the parent or legal guardian of the minor are jointly and severally liable. For the purposes of this division (H):

LAND includes, but is not limited to, land used for crop land, fallow land, orchard, pasture, feed lot, timber land, prairie land, mine spoil nature preserves and registered areas. **LAND** does not include driveways or private roadways upon which the owner allows the public to drive.

OWNER means the person who has the right to possession of the land, including the owner, operator or tenant.

VEHICLE has the same meaning as provided under ILCS Ch. 625, Act 5, § 1-217 of the Illinois Vehicle Code.
(ILCS Ch. 720, Act 5, § 21-3(a), (b), (c) - (i)) Penalty, see § 130.99

§ 131.03 DAMAGING CITY PROPERTY.

(A) It shall be unlawful to:

- (1) Knowingly damage any city property without the city's consent.
- (2) Recklessly, by means of fire or explosion, damage city property without the city's consent.
- (3) Knowingly start a fire on city land without the consent of the city.

(4) Knowingly deposit on city land or in a city building any stink bomb or any offensive-smelling compound which thereby tends to interfere with the use by the city of its land or buildings.

(B) For the purposes of this section, **PROPERTY** means anything of value including, but not limited to real estate, money, commercial instruments, written instruments representing or embodying rights concerning anything of value, labor, or services, things affixed to or found on land or part of or affixed to any building, electricity, gas, or water.

Penalty, see § 130.99

CHAPTER 132: OFFENSES AGAINST PUBLIC ORDER

Section

132.01 Disorderly conduct

132.02 Curfew

§ 132.01 DISORDERLY CONDUCT.

(A) A person commits disorderly conduct when he knowingly:

(1) Does any act in such unreasonable manner as to alarm or disturb another and to provoke a breach of the peace;

(2) Enters upon the property of another and for a lewd or unlawful purpose deliberately looks into a dwelling on the property through any window or other opening in it;

(3) While acting as a collection agency as defined in the Collection Agency Act or as an employee of such collection agency, and while attempting to collect an alleged debt, makes a telephone call to the alleged debtor which is designed to harass, annoy or intimidate the alleged debtor;

(4) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act or the ID/DD Community Care Act; or

(5) Transmits or causes to be transmitted a false report under Article II of "An Act in relation to victims of violence and abuse", approved September 16, 1984, as amended; or

(6) Transmits or causes to be transmitted a false report to any public safety agency without the reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public.

(B) *Sentence.*

(1) A violation of division (A)(1) of this section is a Class C misdemeanor. A violation of division (A)(5) or (A)(6) of this section is a Class A misdemeanor. A violation of division (A)(4) or (A)(5) of this section is a Class B misdemeanor.

(2) A violation of division (A)(3) of this section is a Business Offense and shall be punished by a fine not to exceed \$3,000.

(C) (1) In addition to any other sentence that may be imposed, a court shall order any person convicted of disorderly conduct to perform community service for not less than 30 and not more than 120 hours, if community service is available in the jurisdiction and is funded and approved by the county board of the county where the offense was committed. In addition, whenever any person is placed on supervision for an alleged offense under this section, the supervision shall be conditioned upon the performance of the community service.

(2) This division does not apply when the court imposes a sentence of incarceration.
(ILCS Ch. 720, Act 5, § 26-1) Penalty, see § 130.99

§ 132.02 CURFEW.

(A) Curfew offenses.

(1) A minor commits a curfew offense when he or she remains in any public place or on the premises of any establishment during curfew hours.

(2) A parent or guardian of a minor or other person in custody or control of a minor commits a curfew offense when he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(B) Curfew defenses. It is a defense to prosecution under division (A) that the minor was:

(1) Accompanied by the minor's parent or guardian or other person in custody or control of the minor;

(2) On an errand at the direction of the minor's parent or guardian, without any detour or stop;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) 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;

(7) Attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, 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 a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(C) *Enforcement.* Before taking any enforcement action under this section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest 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 division (B) is present.

(D) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURFEW HOURS.

(a) Between 12:01 a.m. and 6:00 a.m. on Saturday;

(b) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

(c) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

EMERGENCY. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT. Any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

GUARDIAN.

(a) A person who, under court order, is the guardian of the person of a minor; or

(b) A public or private agency with whom a minor has been placed by a court.

MINOR. Any person under 17 years of age.

PARENT. A person who is:

(a) A natural parent, adoptive parent, or step-parent of another person; or

(b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

REMAIN. To:

(a) Linger or stay; or

(b) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(E) *Penalty.* A violation of this section is a petty offense with a fine of not less than \$10 nor more than \$500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987 (705 ILCS 405), nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this section, the court may order a parent, legal guardian, or other person convicted of a violation of division (A) of this section to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of division (A) above shall not conflict with the dates and times that the person is employed in his or her regular occupation.

(720 ILCS 5/12C-60(a) - (e))

Statutory reference:

Authority to impose curfew, see ILCS Ch. 65, Act 5, § 11-1-5

CHAPTER 133: OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION

Section

- 133.01 Resisting or obstructing a peace officer or correctional institution employee
- 133.02 Refusing to aid an officer
- 133.03 Tampering with public notice

§ 133.01 RESISTING OR OBSTRUCTING A PEACE OFFICER OR CORRECTIONAL INSTITUTION EMPLOYEE.

(A) A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer, firefighter, or correctional institution employee of any authorized act within his or her official capacity commits a Class A misdemeanor.

(1) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer, firefighter, or correctional institution employee to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(2) A person convicted for a violation of this section whose violation was the proximate cause of an injury to a peace officer, firefighter, or correctional institution employee is guilty of a Class 4 felony, to be prosecuted under appropriate state law.

(B) For purposes of this section, **CORRECTIONAL INSTITUTION EMPLOYEE** means any person employed to supervise and control inmates incarcerated in a penitentiary, state farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, a violation of aftercare release, a violation of mandatory supervised release, or awaiting a hearing or preliminary hearing on setting the conditions of pretrial release, or who are sexually dangerous persons or who are sexually violent persons; and **FIREFIGHTER** means any individual, either as an employee or volunteer, of a regularly constituted fire department of a municipality or fire protection district who performs fire fighting duties, including, but not limited to, the fire chief, assistant fire chief, captain, engineer, driver, ladder person, hose person, pipe person, and any other member of a regularly constituted fire department. **FIREFIGHTER** also means a person employed by the Office of the State Fire Marshal to conduct arson investigations.

(C) It is an affirmative defense to a violation of this section if a person resists or obstructs the performance of one known by the person to be a firefighter by returning to or remaining in a dwelling, residence, building, or other structure to rescue or to attempt to rescue any person.

(D) A person shall not be subject to arrest under this section unless there is an underlying offense for which the person was initially subject to arrest.
(ILCS Ch. 720, Act 5, § 31-1) Penalty, see § 130.99

§ 133.02 REFUSING TO AID AN OFFICER.

No person, upon command, shall refuse or knowingly reasonably fail to aid a person known by him to be a police officer in:

(A) Apprehending a person whom the officer is authorized to apprehend; or

(B) Preventing the commission by another of any offense.
(ILCS Ch. 720, Act 5, § 31-8) Penalty, see § 130.99

§ 133.03 TAMPERING WITH PUBLIC NOTICE.

A person commits tampering with public notice when he or she knowingly and without lawful authority alter, destroy, deface, remove, or conceal any public notice posted according to law, during the time for which the notice was to remain posted.
(ILCS Ch. 720, Act 5, § 32-9(a)) Penalty, see § 130.99

CHAPTER 134: OFFENSES AGAINST PUBLIC MORALS

Section

- 134.01 Public indecency
- 134.02 Obscenity
- 134.03 Harmful material

§ 134.01 PUBLIC INDECENCY.

(A) Any person of the age of 17 years and upwards who performs any of the following acts in a public place commits a public indecency:

- (1) An act of sexual penetration or sexual conduct; or
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.
- (3) Breast-feeding of infants is not an act of public indecency.

(B) **PUBLIC PLACE**, for purposes of this section, means any place where the conduct may reasonably be expected to be viewed by others.

(C) *Sentence.* Public indecency is a Class A misdemeanor. A person convicted of a third or subsequent violation for public indecency is guilty of a Class 4 felony, to be prosecuted by appropriate state law. Public indecency is a Class 4 felony if committed by a person 18 years of age or older who is on or within 500 feet of elementary or secondary school grounds when children are present on the grounds.

(ILCS Ch. 720, Act 5, § 11-30) Penalty, see § 130.99

§ 134.02 OBSCENITY.

(A) *Elements of the offense.* A person commits obscenity when, with knowledge of the nature or content thereof, or recklessly failing to exercise reasonable inspection which would have disclosed the nature or content thereof, he or she:

- (1) Sells, delivers, or provides, or offers or agrees to sell, deliver, or provide any obscene writing, picture, record, or other representation or embodiment of the obscene;

(2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene;

(3) Publishes, exhibits, or otherwise makes available anything obscene;

(4) Performs an obscene act or otherwise presents an obscene exhibition of his body for gain;

(5) Creates, buys, procures, or possesses obscene matter or material with intent to disseminate it in violation of this section, or of the penal laws or regulations of any other jurisdiction; or

(6) Advertises or otherwise promotes the sale of material represented or held out by him or her to be obscene, whether or not it is obscene.

(B) *Obscene defined.* Any material or performance is **OBSCENE** if:

(1) The average person, applying contemporary adult community standards, would find that, taken as a whole, it appeals to the prurient interest;

(2) The average person, applying contemporary adult community standards, would find that it depicts or describes, in a patently offensive way, ultimate sexual acts or sadomasochistic sexual acts, whether normal or perverted, actual or simulated, or masturbation, excretory functions, or lewd exhibition of the genitals; and

(3) Taken as a whole, it lacks serious literary, artistic, political, or scientific value.

(C) *Interpretation of evidence.*

(1) Obscenity shall be judged with reference to ordinary adults except that it shall be judged with reference to children or other specially susceptible audiences if it appears from the character of the material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

(2) Where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate that material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the matter and can justify the conclusion that the matter is lacking in serious literary, artistic, political, or scientific value.

(3) In any prosecution for an offense under this section, evidence shall be admissible to show:

(a) The character of the audience for which the material was designed or to which it was directed;

(b) What the predominant appeal of the material would be for ordinary adults or a special audience, and what effect, if any, it would probably have on the behavior of such people;

- (c) The artistic, literary, scientific, educational, or other merits of the material, or absence thereof;
- (d) The degree, if any, of public acceptance of the material in this state;
- (e) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material;
- (f) Purpose of the author, creator, publisher, or disseminator.

(D) *Sentence.* Obscenity is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony, to be prosecuted under appropriate state law.

(E) *Permissive inference.* The trier of fact may infer an intent to disseminate from the creation, purchase, procurement or possession of a mold, engraved plate or other embodiment of obscenity specially adapted for reproducing multiple copies, or the possession of more than three copies of obscene material.

(F) *Affirmative defenses.* It shall be an affirmative defense to obscenity that the dissemination:

- (1) Was not for gain and was made to personal associates other than children under 18 years of age;
- (2) Was to institutions or individuals having scientific or other special justification for possession of such material.

(G) *Forfeiture of property.* A person who has been convicted previously of the offense of obscenity and who is convicted of a second or subsequent offense of obscenity is subject to the property forfeiture provisions set forth in Article 124B of the Code of Criminal Procedure of 1963.
(ILCS Ch. 720, Act 5, § 11-20) Penalty, see § 130.99

§ 134.03 HARMFUL MATERIAL.

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

DISTRIBUTE. To transfer possession of, whether with or without consideration.

HARMFUL TO MINORS. That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse, when, taken as a whole, it:

- (a) Predominately appeals to the prurient interest in sex of minors;

(b) Is patently offensive to prevailing standards in the adult community in the state as a whole with respect to what is suitable material for minors; and

(c) Lacks serious literary, artistic, political, or scientific value for minors.

KNOWINGLY. Having knowledge of the contents of the subject matter, or recklessly failing to exercise reasonable inspection which would have disclosed the contents.

MATERIAL.

(a) Any picture, photograph, drawing, sculpture, film, video game, computer game, video or similar visual depiction, including any such representation or image which is stored electronically; or

(b) Any book, magazine, printed matter however reproduced, or recorded audio of any sort.

MINOR. Any person under the age of 18.

NUDITY. The showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

SADO-MASOCHISTIC ABUSE. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one clothed for sexual gratification or stimulation.

SEXUAL CONDUCT. Acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

SEXUAL EXCITEMENT. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

(B) A person is guilty of distributing harmful material to a minor when he or she:

(1) Knowingly sells, lends, distributes, exhibits to, depicts to, or gives away to a minor, knowing that the minor is under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age:

(a) Any material which depicts nudity, sexual conduct or sado-masochistic abuse, or which contains explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sado-masochistic abuse, and which taken as a whole is harmful to minors;

(b) A motion picture, show, or other presentation which depicts nudity, sexual conduct or sado-masochistic abuse and is harmful to minors; or

(c) An admission ticket or pass to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation; or

(2) Admits a minor to premises where there is exhibited or to be exhibited such a motion picture, show, or other presentation, knowing that the minor is a person under the age of 18 or failing to exercise reasonable care in ascertaining the person's true age.

(C) In any prosecution arising under this section, it is an affirmative defense:

(1) That the minor as to whom the offense is alleged to have been committed exhibited to the accused a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that the minor was 18 years of age or older, which was relied upon by the accused;

(2) That the defendant was in a parental or guardianship relationship with the minor or that the minor was accompanied by a parent or legal guardian;

(3) That the defendant was a bona fide school, museum, or public library, or was a person acting in the course of his or her employment as an employee or official of such organization or retail outlet affiliated with and serving the educational purpose of such organization;

(4) That the act charged was committed in aid of legitimate scientific or educational purposes; or

(5) That an advertisement of harmful material as defined in this section culminated in the sale or distribution of such harmful material to a child under circumstances where there was no personal confrontation of the child by the defendant, his or her employees, or agents, as where the order or request for such harmful material was transmitted by mail, telephone, Internet or similar means of communication, and delivery of such harmful material to the child was by mail, freight, Internet or similar means of transport, which advertisement contained the following statement, or a substantially similar statement, and that the defendant required the purchaser to certify that he or she was not under the age of 18 and that the purchaser falsely stated that he or she was not under the age of 18: "NOTICE: It is unlawful for any person under the age of 18 to purchase the matter advertised. Any person under the age of 18 that falsely states that he or she is not under the age of 18 for the purpose of obtaining the material advertised is guilty of a Class B misdemeanor under the laws of the State."

(D) The predominant appeal to prurient interest of the material shall be judged with reference to average children of the same general age of the child to whom such material was sold, lent, distributed or given, unless it appears from the nature of the matter or the circumstances of its dissemination or distribution that it is designed for specially susceptible groups, in which case the predominant appeal of the material shall be judged with reference to its intended or probable recipient group.

(E) Distribution of harmful material in violation of this section is a Class A misdemeanor. A second or subsequent offense is a Class 4 felony, to be prosecuted under appropriate state law.

(F) Any person under the age of 18 who falsely states, either orally or in writing, that he or she is not under the age of 18, or who presents or offers to any person any evidence of age and identity that is false or not actually his or her own with the intent of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material is guilty of a Class B misdemeanor.

(G) A person over the age of 18 who fails to exercise reasonable care in ascertaining the true age of a minor, knowingly distributes to, or sends, or causes to be sent, or exhibits to, or offers to distribute, or exhibits any harmful material to a person that he or she believes is a minor is guilty of a Class A misdemeanor. If that person utilized a computer web camera, cellular telephone, or any other type of device to manufacture the harmful material, then each offense is a Class 4 felony, to be prosecuted under appropriate state law.

(H) Telecommunications carriers, commercial mobile service providers, and providers of information services, including, but not limited to, Internet service providers and hosting service providers, are not liable under this section, except for willful and wanton misconduct, by virtue of the transmission, storage, or caching of electronic communications or messages of others or by virtue of the provision of other related telecommunications, commercial mobile services, or information services used by others in violation of this section.

(ILCS Ch. 720, Act 5, § 11-21) Penalty, see § 130.99

CHAPTER 135: GAMBLING OFFENSES

Section

- 135.01 Definitions
- 135.02 Gambling
- 135.03 Keeping a gambling place
- 135.04 Seizure of gambling devices and gambling funds

§ 135.01 DEFINITIONS.

For the purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

ACCESS and **COMPUTER** have the meanings ascribed to them in Section 16D-2 of the Criminal Code of 1961 (ILCS Ch. 720, Act 5, § 16D-2).

GAMBLING DEVICE. Any clock, tape machine, slot machine, or other machines or device for the reception of money or other thing of value on chance or skill, or upon the action of which money or other thing of value is staked, hazarded, bet, won, or lost; or any mechanism, furniture, fixture, equipment, or other device designed primarily for use in a gambling place. A **GAMBLING DEVICE** does not include:

(1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is so constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property.

(2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.

(3) A crane game. For the purposes of this division (3), a **CRANE GAME** is an amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to toys, novelties and prizes other than currency, each having a wholesale value which is not more than \$25.

(4) A redemption machine. For the purposes of this division (4), a **REDEMPTION MACHINE** is a single-player or multi-player amusement device involving a game, the object of which is throwing, rolling, bowling, shooting, placing, or propelling a ball or other object that is either physical or computer generated on a display or with lights into, upon, or against a hole or other target that is either physical or computer generated on a display or with lights, or stopping, by physical, mechanical, or electronic means, a moving object that is either physical or computer generated on a display or with lights into, upon, or against a hole or other target that is either physical or computer generated on a display or with lights, provided that all of the following conditions are met:

(a) The outcome of the game is predominantly determined by the skill of the player.

(b) The award of the prize is based solely upon the player's achieving the object of the game or otherwise upon the player's score.

(c) Only merchandise prizes are awarded.

(d) The wholesale value of prizes awarded in lieu of tickets or tokens for single play of the device does not exceed \$25.

(e) The redemption value of tickets, tokens, and other representations of value, which may be accumulated by players to redeem prizes of greater value, for a single play of the device does not exceed \$25.

(5) Video gaming terminals at a licensed establishment, licensed truck stop establishment, licensed large truck stop establishment, licensed fraternal establishment, or licensed veterans establishment licensed in accordance with the Video Gaming Act (ILCS Ch. 230, Act 40).

INTERNET means an interactive computer service or system or an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, and includes, but is not limited to, an information service, system, or access software provider that provides access to a network system commonly known as the Internet, or any comparable system or service and also includes, but is not limited to, a World Wide Web page, newsgroup, message board, mailing list, or chat area on any interactive computer service or system or other online service.

LOTTERY. Any scheme or procedure whereby one or more prizes are distributed by chance among persons who have paid or promised consideration for a chance to win such prizes, whether such scheme or procedure is called a lottery, raffle, gift, sale or some other name, excluding savings promotion raffles authorized under Section 5g of the Illinois Banking Act (ILCS Ch. 205, Act 5, § 5g), Section 7008 of the Savings Bank Act (ILCS Ch. 205, Act 205, § 7008), Section 42.7 of the Illinois Credit Union Act (ILCS Ch. 205, Act 305, § 42.7), Section 5136B of the National Bank Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

POLICY GAME. Any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of debt.

(ILCS Ch. 720, Act 5, § 28-2)

§ 135.02 GAMBLING.

(A) A person commits gambling when, within the corporate limits of the city, he or she:

(1) Knowingly plays a game of chance or skill for money or other thing of value, unless excepted in division (B);

(2) Knowingly makes a wager upon the result of any game, contest, or any political nomination, appointment, or election;

(3) Knowingly operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures, or distributes any gambling device;

(4) Contracts to have or give himself or herself or another the option to buy or sell, or contracts to buy or sell, at a future time, any grain or other commodity whatsoever, or any stock or security of any company, where it is at the time of making such contract intended by both parties thereto that the contract to buy or sell, or the option, whenever exercised, or the contract resulting therefrom, shall be settled, not by the receipt or delivery of such property, but by the payment only of differences in prices thereof; however, the issuance, purchase, sale, exercise, endorsement or guarantee, by or through a person registered with the Secretary of State pursuant to Section 8 of the Illinois Securities Law of 1953, or by or through a person exempt from such registration under said Section 8, of a put, call, or other option to buy or sell securities which have been registered with the Secretary of State or which are exempt from such registration under Section 3 of the Illinois Securities Law of 1953 is not gambling within the meaning of this division (4);

(5) Knowingly owns or possesses any book, instrument, or apparatus by means of which bets or wagers have been, or are, recorded or registered, or knowingly possesses any money which he has received in the courses of a bet or wager;

(6) Knowingly sells pools upon the result of any game or contest of skill or chance, political nomination, appointment, or election;

(7) Knowingly sets up or promotes any lottery or sells, offers to sell, or transfers any ticket or share for any lottery;

(8) Knowingly sets up or promotes any policy game or sells, offers to sell, or knowingly possesses or transfers any policy ticket, slip, record, document, or other similar device;

(9) Knowingly drafts, prints, or publishes any lottery ticker or share, or any policy ticket, slip, record, document or similar device, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state or foreign government;

(10) Knowingly advertises any lottery or policy game, except for such activity related to lotteries, bingo games, and raffles authorized by and conducted in accordance with the laws of Illinois or any other state; or

(11) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore, or similar means; or knowingly installs or maintains equipment for the transmission or receipt of such information; except that nothing in this division prohibits transmission or receipt of such information for use in news reporting of sporting events or contests; or

(12) Knowingly establishes, maintains, or operates an Internet site that permits a person to play a game of chance or skill for money or other thing of value by means of the Internet or to make a wager upon the result of any game, contest, political nomination, appointment, or election by means of the Internet. This division (12) does not apply to activities referenced in items (B)(6) and (6.1) of this section.

(B) Participants in any of the following activities shall not be convicted of gambling:

(1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance;

(2) Offers of prizes, awards, or compensation to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the owners of animals or vehicles entered in such contest;

(3) Pari-mutuel betting as authorized by the law of this state;

(4) Manufacture of gambling devices, including the acquisition of essential parts therefor and the assembly thereof, for transportation in interstate or foreign commerce to any place outside this state when such transportation is not prohibited by any applicable federal law; or the manufacture, distribution, or possession of video gaming terminals, as defined in the Video Gaming Act (ILCS Ch. 230, Act 40), by manufacturers, distributors, and terminal operators licensed to do so under the Video Gaming Act;

(5) The game commonly known as “bingo,” when conducted in accordance with the Bingo License and Tax Act (ILCS Ch. 230, Act 25, §§ 1 et seq.);

(6) Lotteries when conducted by the state in accordance with Illinois Lottery Law (ILCS Ch. 20, Act 1605, §§ 1 et seq.). This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of the Illinois Lottery Law and its rules;

(6.1) The purchase of lottery tickets through the Internet for a lottery conducted by the state under the program established in Section 7.12 of the Illinois Lottery Law (ILCS Ch. 20, Act 1605, § 7.12);

(7) Possession of an antique slot machine that is neither used nor intended to be used in the operation or promotion of any unlawful gambling activity or enterprise. For the purpose of this division, an *ANTIQUÉ SLOT MACHINE* is one manufactured 25 years ago or earlier;

(8) Raffles and poker runs when conducted in accordance with the Raffles and Poker Runs Act (ILCS Ch. 230, Act 15, §§ 1 et seq.);

(9) Charitable games when conducted in accordance with the Charitable Games Act (ILCS Ch. 230, Act 30, §§ 1 et seq.); and

(10) Pull tabs and jar games when conducted under the Illinois Pull Tabs and Jar Games Act (ILCS Ch. 230, Act 20, §§ 1 et seq.); and

(11) Gambling games when authorized by the Illinois Gambling Act (ILCS Ch. 230, Act 10, §§ 1 et seq.);

(12) Video gaming terminal games at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, licensed large truck stop establishment, or licensed veterans establishment when conducted in accordance with the Video Gaming Act (ILCS Ch. 230, Act 40); and

(13) Games of skill or chance where money or other things of value can be won but no payment or purchase is required to participate.

(14) Savings promotion raffles authorized under Section 5g of the Illinois Banking Act (ILCS Ch. 205, Act 5, § 5g), Section 7008 of the Savings Bank Act (ILCS Ch. 205, Act 205, § 7008), Section 42.7 of the Illinois Credit Union Act (ILCS Ch. 205, Act 305, § 42.7), Section 5136B of the National Bank Act (12 U.S.C. 25a), or Section 4 of the Home Owners' Loan Act (12 U.S.C. 1463).

(15) Sports wagering when conducted in accordance with the Sports Wagering Act.

(C) *Circumstantial evidence*. In prosecutions under this section, circumstantial evidence shall have the same validity and weight as in any criminal prosecution.
(ILCS Ch. 720, Act 5, § 28-1(a), (b), (d)) Penalty, see § 130.99

§ 135.03 KEEPING A GAMBLING PLACE.

(A) For purposes of this section, a **GAMBLING PLACE** is any real estate, vehicle, boat or any other property whatsoever used for the purposes of gambling other than gambling conducted in the manner authorized by the Illinois Gambling Act, the Sports Wagering Act, or the Video Gaming Act. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place commits a Class A misdemeanor. Each subsequent offense is a Class 4 felony, to be prosecuted under appropriate state law.

(B) When any premises is determined by the circuit court to be a gambling place:

(1) Such premises is a public nuisance and may be proceeded against as such;

(2) All licenses, permits or certificates issued by the state or any subdivision or public agency thereof authorizing the serving of food or liquor on such premises shall be void; and no license, permit or certificate so cancelled shall be reissued for such premises for a period of 60 days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license; and

(3) Such premises of any person who knowingly permits thereon a violation of any section of this chapter shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any section of this chapter.
(ILCS Ch. 720, Act 5, § 28-3) Penalty, see § 130.99

§ 135.04 SEIZURE OF GAMBLING DEVICES AND GAMBLING FUNDS.

(A) Every device designed for gambling which is incapable of lawful use or every device used unlawfully for gambling shall be considered a gambling device and shall be subject to seizure, confiscation, and destruction by city authorities. As used in this section, a **GAMBLING DEVICE** includes any slot machine and includes any machine or device constructed for the reception of money or other thing of value and so constructed as to return or cause someone to return on chance to the player thereof money, property, or a right to receive money or property. With the exception of any device designed for gambling which is incapable of lawful use, no gambling device shall be forfeited or destroyed unless an individual with a property interest in the device knows of the unlawful use thereof.

(B) Every gambling device shall be seized and forfeited as contraband to the county wherein the seizure occurs. Any money or other thing of value integrally related to acts of gambling shall be seized and forfeited as contraband to the county wherein the seizure occurs.
(ILCS Ch. 720, Act 5, § 28-5(a),(b))

CHAPTER 136: OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Section

Litter

- 136.01 Definitions
- 136.02 Dumping or depositing of litter prohibited; exemptions
- 136.03 Dumping or depositing litter from motor vehicle prohibited
- 136.04 Accumulation of litter prohibited
- 136.05 Presumption of violation by operator throwing litter from motor vehicle
- 136.06 Receptacles required in public areas
- 136.07 Power of court to order removal of litter

LITTER

§ 136.01 DEFINITIONS.

For the purposes of §§ 136.01 through 136.07 the following words and phrases shall have the following meanings ascribed to them respectively.

LITTER. Any discarded, used, or unconsumed substance or waste. ***LITTER*** may include, but is not limited to, any garbage, trash, refuse, cigarettes, debris, rubbish, grass clippings, or other lawn or garden waste; newspaper, magazines, glass, metal, plastic or paper containers, or other packaging construction material, abandoned vehicle, as defined in ILCS Ch. 625, Act 5, §§ 1-100 et seq., motor vehicle parts, furniture, oil, carcass of a dead animal, any nauseous or offensive matter of any kind; any object likely to injure any person or create a traffic hazard, potentially infectious medical waste as defined in ILCS Ch. 415, Act 5, § 3.360 of the Environmental Protection Act; or anything else of an unsightly or unsanitary nature, which has been discarded, abandoned, or otherwise disposed of improperly. (ILCS Ch. 415, Act 105, § 3(a))

MOTOR VEHICLE. As defined in Chapter 70 of this Code of Ordinances.

§ 136.02 DUMPING OR DEPOSITING OF LITTER PROHIBITED; EXEMPTIONS.

(A) No person shall dump, deposit, drop, throw, discard, leave, cause, or permit the dumping, depositing, dropping, throwing, discarding, or leaving of litter upon any public or private property in this city, or upon or into any river, lake, pond, or other stream or body of water in this village unless:

(1) The property has been designated by the city or any of its agencies for the disposal of litter, and the litter is disposed of on that property in accordance with the applicable rules and regulations of the state Pollution Control Board;

(2) The litter is placed into a receptacle or other container intended by the owner or tenant in lawful possession of that property for the deposit of litter;

(3) The person is the owner or tenant in lawful possession of the property or has first obtained the consent of the owner or tenant in lawful possession, or unless the act is done under the personal direction of the owner or tenant and does not create a public health or safety hazard, a public nuisance, or a fire hazard;

(4) The person is acting under the direction of proper public officials during special cleanup days; and/or

(5) The person is lawfully acting in or reacting to an emergency situation where health and safety is threatened, and removes and properly disposes of any litter, including but not limited to potentially infectious medical waste as defined in ILCS Ch. 415, Act 5, § 3.360, when the emergency situation no longer exists.

(ILCS Ch. 415, Act 105, § 4)

(B) (1) Any person convicted of a violation of this section is guilty of a Class B misdemeanor. A second conviction for an offense committed after the first conviction is a Class A misdemeanor. A third or subsequent violation, committed after a second conviction is a Class 4 felony to be prosecuted under appropriate state law.

(2) An individual convicted of violating this section by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, at the site where the offense occurred, as provided in ILCS Ch. 605, Act 120, § 50.

(ILCS Ch. 415, Act 105, § 8(a), (d))

§ 136.03 DUMPING OR DEPOSITING LITTER FROM MOTOR VEHICLE PROHIBITED.

(A) No person shall dump, deposit, drop, throw, discard, or otherwise dispose of litter from any motor vehicle upon any public highway, upon any public or private property or upon or into any river,

lake, pond, stream, or body of water in this city except as permitted under § 136.02 (A)(1) through (5). Nor shall any person transport, by any means, garbage or refuse from any dwelling, residence, place of business, farm, or other site to and deposit the material in, around, or on top of trash barrels or other receptacles placed along public highways or at roadside rest areas. (ILCS Ch. 415, Act 105, § 5)

(B) (1) Any person convicted of a violation of this section is guilty of a Class B misdemeanor. A second conviction for an offense committed after the first conviction is a Class A misdemeanor. A third or subsequent violation, committed after a second conviction is a Class 4 felony to be prosecuted under appropriate state law.

(2) An individual convicted of violating this section by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, at the site where the offense occurred, as provided in ILCS Ch. 605, Act 120, § 50.

(3) A mandatory minimum fine of \$50 must be imposed against any person who is convicted of violating this section.
(ILCS Ch. 415, Act 105, § 8(a), (d), (e))

§ 136.04 ACCUMULATION OF LITTER PROHIBITED.

(A) No person shall allow litter to accumulate upon real property, of which the person charged is the owner or tenant in control, in such a manner as to constitute a public nuisance or in such a manner that the litter may be blown or otherwise carried by the natural elements on to the real property of another person.
(ILCS Ch. 415, Act 105, § 6)

(B) (1) Any person convicted of a violation of this section shall be fined not less than \$10 nor more than \$750.

(2) An individual convicted of violating this section by disposing of litter upon a public highway may, in addition to any other penalty, be required to maintain litter control for 30 days over a designated portion of that highway, including, at the discretion of the agency having jurisdiction over the section of highway in question, at the site where the offense occurred, as provided in ILCS Ch. 605, Act 120, § 50.
(ILCS Ch. 415, Act 105, § 8(a), (d))

§ 136.05 PRESUMPTION OF VIOLATION BY OPERATOR THROWING LITTER FROM MOTOR VEHICLE.

Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle not carrying passengers for hire, the presumption is created that the operator of that motor vehicle has violated § 136.03, but that presumption may be rebutted.
(ILCS Ch. 415, Act 105, § 9)

§ 136.06 RECEPTACLES REQUIRED IN PUBLIC AREAS.

(A) In order to assist the public in complying with this chapter, the owner or person in control of any property which is held out to the public as a place for assemblage, the transaction of business, recreation, or as a public way shall cause to be placed and maintained receptacles for the deposit of litter of sufficient volume and in sufficient numbers to meet the needs of the numbers of people customarily coming on or using the property.

(B) For purposes of this section, ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** includes, but is not limited to commercially operated parks, campgrounds, drive-in restaurants, automobile service stations, business parking lots, car washes, shopping centers, marinas, boat launching areas, industrial parking lots, boat moorage and fueling stations, piers, beaches and bathing areas, airports, roadside rest stops, drive-in movies, and shopping malls; and ***PROPERTY HELD OUT TO THE PUBLIC FOR ASSEMBLAGE, RECREATION, OR AS A PUBLIC WAY*** includes, but is not limited to any property that is publicly owned or operated for any of the purposes stated in the definition in this division for ***PROPERTY HELD OUT TO THE PUBLIC FOR THE TRANSACTION OF BUSINESS*** but excludes state highway rights-of-way and rest areas located thereon.

(C) If no litter receptacles are placed on property described in this section, the owner or person in control of the property shall be fined \$100 for violating this section. If the owner or person in control of the property has placed litter receptacles on his property but the number or size of the receptacles has proved inadequate to meet the needs of the numbers of people coming on or using his property as indicated by the condition and appearance of that property, and the owner or person in control has failed to provide sufficient or adequate receptacles within ten days after being made aware of that fact by written notice from the police, he shall be fined \$25 for each receptacle not so provided and maintained.
(ILCS Ch. 415, Act 105, § 10)

§ 136.07 POWER OF COURT TO ORDER REMOVAL OF LITTER.

The penalties prescribed in this chapter are in addition to, and not in lieu of any penalties, rights, remedies, duties, or liabilities which may be otherwise imposed or conferred by a court.
(ILCS Ch. 415, Act 105, § 8(c))

CHAPTER 137: WEAPONS

Section

Deadly Weapons

- 137.01 Unlawful use of weapons
- 137.02 Exemptions
- 137.03 Unlawful possession of firearms and firearm ammunition
- 137.04 Confiscation and disposition of weapons

Statutory reference:

Firearms and ammunition registration, ILCS Ch. 430, Act 65, §§ 0.01 through 16.3

Boarding aircraft with weapons, ILCS Ch. 720, Act 545, §§ 0.01 through 7

DEADLY WEAPONS

§ 137.01 UNLAWFUL USE OF WEAPONS.

(A) No person shall knowingly:

(1) Sell, manufacture, purchase, possess or carry any bludgeon, black-jack, slung-shot, sand-club, sand-bag, metal knuckles or other knuckle weapon regardless of its composition, throwing star, or any knife, commonly referred to as a switchblade knife, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or a ballistic knife, which is a device that propels a knifelike blade as a projectile by means of a coil spring, elastic material or compressed gas;

(2) Carry or possess with intent to use the same unlawfully against another, a dagger, dirk, billy, dangerous knife, razor, stiletto, broken bottle or other piece of glass, stun gun or taser, or any other dangerous or deadly weapon or instrument of like character;

(3) Carry on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance, other than an object containing a non-lethal noxious liquid gas or substance designed solely for personal defense carried by a person 18 years of age or older;

(4) Carries or possesses in any vehicle or concealed on or about his person except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun, or taser or other firearm, except that this subsection does not apply to or affect transportation of weapons that meet one of the following conditions:

(a) Are broken down in a non-functioning state; or

(b) Are not immediately accessible; or

(c) Are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card.

(d) Are carried or possessed in accordance with the Firearm Concealed Carry Act (ILCS Ch. 430, Act 66) by a person who has been issued a currently valid license under the Firearm Concealed Carry Act; or

(5) Set a spring gun;

(6) (a) Carry or possess any firearm, stun gun or taser or other deadly weapon in any place which is licensed to sell intoxicating beverages, or at any public gathering held pursuant to a license issued by any governmental body or any public gathering at which an admission is charged, excluding a place where a showing, demonstration, or lecture involving the exhibition of unloaded firearms is conducted;

(b) This subsection does not apply to any auction or raffle of a firearm held pursuant to a license or permit issued by a governmental body, nor does it apply to persons engaged in firearm safety training courses;

(7) Sell, manufacture, or purchase any explosive bullet. **EXPLOSIVE BULLET** shall mean the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **CARTRIDGE** means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof, with the propellant contained in the tube between the projectile and the cap; or

(8) Carry or possess on or about his person, upon any public street, alley, or other public lands within the corporate limits of a city, village or incorporated town, except when an invitee thereon or therein, for the purpose of the display of such weapon or the lawful commerce in weapons, or except when on his land or in his own abode, legal dwelling, or fixed place of business, or on the land or in the legal dwelling of another person as an invitee with that person's permission, any pistol, revolver, stun gun or taser or other firearm, except that this division (A)(8) does not apply to or affect transportation of weapons that meet one of the following conditions:

- (a) Are broken down in a non-functioning state;
 - (b) Are not immediately accessible;
 - (c) Are unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by a person who has been issued a currently valid Firearm Owner's Identification Card; or
 - (d) Are carried or possessed in accordance with the Firearm Concealed Carry Act (ILCS Ch. 430, Act 66) by a person who has been issued a currently valid license under the Firearm Concealed Carry Act; or
- (9) Carry or possess on or about his or her person while in a building occupied by a unit of government, a billy club, other weapon of like character, or other instrument of like character intended for use as a weapon. For the purposes of this section, **BILLY CLUB** means a short stick or club commonly carried by police officers which is either telescopic or constructed of a solid piece of wood or other man-made material.

(B) A **STUN GUN** or **TASER**, as used in division (A), means:

(1) Any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning; or

(2) Any device which is powered by electrical charging units, such as batteries, and which, upon contact with a human or clothing worn by a human, can send out a current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning.
(ILCS Ch. 720, Act 5, § 24-1(a)(1) - (5), (8), (10), (11), (13)) Penalty, see § 130.99

Statutory reference:

For provisions concerning silencers on guns; machine guns; possession of weapon while hooded, robed and/or masked; or possession of weapons on school or university grounds (all of which are felonies), see ILCS Ch. 720, Act 5, §§ 24-1(a)(6), (7), and (9) and § 24-1(c)(2) respectively

§ 137.02 EXEMPTIONS.

(A) Section 137.01(A)(3), (A)(4), (A)(8), and (A)(9) do not apply to or affect any of the following:

(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by a private security contractor, private detective, or private alarm contractor agency licensed by the Department of Financial and Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 (ILCS Ch. 225, Act 447), while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a private security contractor, private detective, or private alarm contractor, or employee of a licensed private security contractor, private detective, or private alarm contractor agency and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this division (A)(5) shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the private security contractor, private detective, or private alarm contractor, or employee of the licensed private security contractor, private detective, or private alarm contractor agency at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force registered with the Department of Financial and Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for the renewal of firearm control cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in § 137.01(A)(3) and (A)(4), while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution as a security guard for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, and who, as a security guard, is a member of a security force registered with the Department of Financial and Professional Regulation; provided that any person so employed has successfully completed a course of study, approved by and supervised by the Department of Financial and Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm control card by the Department of Financial and Professional Regulation. Conditions for renewal of firearm control cards issued under the provisions of this division (A)(8) shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. The firearm control card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon permitted by his or her firearm control card. For purposes of this division (A)(8), **FINANCIAL INSTITUTION** means a bank, savings and loan association, credit union or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his or her duties.

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act (ILCS Ch. 20, Act 2910).

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act (ILCS Ch. 725, Act 210, § 7.06).

(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code (ILCS Ch. 55, Act 5, § 3-9005).

(12.5) Probation officers while in the performance of their duties, or while commuting between their homes, places of employment or specific locations that are part of their assigned duties, with the consent of the chief judge of the circuit for which they are employed, if they have received weapons training according to requirements of the Peace Officer and Probation Officer Firearm Training Act (ILCS Ch. 50, Act 710).

(13) Court security officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under divisions (A)(1) through (13.5) of this section to possess those weapons.

(B) Section 137.01(A)(4) and (A)(8) do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.

(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

(5) Carrying or possessing any pistol, revolver, stun gun or taser or other firearm on the land or in the legal dwelling of another person as an invitee with that person's permission.

(C) Section 137.01(A)(1) does not apply to the purchase, possession or carrying of a black-jack or slung-shot by a peace officer.

(D) Section 137.01(A)(6) does not apply to any owner, manager or authorized employee of any place specified in that division nor to any law enforcement officer.

(E) Section 137.01(A)(4) and (A)(8) do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(F) Section 137.01(A)(4) and (A)(10) do not apply to or affect any person carrying a concealed pistol, revolver, or handgun and the person has been issued a currently valid license under the Firearm Concealed Carry Act (ILCS Ch. 430, Act 66) at the time of the commission of the offense.

(G) Section 137.01(A)(7) does not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordinance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by division (G)(1) of this section, or like organizations and persons outside this state, or the transportation of explosive bullets to any organization or person exempted in this section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(H) Section 137.01(A)(4) and (A)(8) do not apply to or affect any parole agent or parole supervisor who meets the qualifications and conditions prescribed in Section 3-14-1.5 of the Unified Code of Corrections (ILCS Ch. 730, Act 5, § 3-14-1.5).

(I) An information or indictment based upon a violation of any provision of this subchapter need not negate any exemptions contained in this subchapter. The defendant shall have the burden of proving such an exemption.

(J) Nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this subchapter shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by division (C) of this section, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card. (ILCS Ch. 720, Act 5, § 24-2(a), (a-5), (b), (d) - (g), (g-6), (h), (i))

§ 137.03 UNLAWFUL POSSESSION OF FIREARMS AND FIREARM AMMUNITION.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He or she is under 18 years of age and has in his or her possession any firearm of a size which may be concealed upon the person;

(2) He or she is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent, and has any firearms or firearm ammunition in his or her possession;

(3) He or she is a narcotic addict and has any firearms or firearm ammunition in his or her possession;

(4) He or she has been a patient in a mental institution within the past five years and has any firearms or firearm ammunition in his or her possession. For purposes of this division (A)(4):

MENTAL INSTITUTION means any hospital, institution, clinic, evaluation facility, mental health center, or part thereof, which is used primarily for the care or treatment of persons with mental illness.

PATIENT IN A MENTAL INSTITUTION means the person was admitted, either voluntarily or involuntarily, to a mental institution for mental health treatment, unless the treatment was voluntary and solely for an alcohol abuse disorder and no other secondary substance abuse disorder or mental illness;

(5) He or she is a person with an intellectual disability and has any firearms or firearm ammunition in his or her possession; or

(6) He or she has in his or her possession any explosive bullet. For the purposes of this section, **EXPLOSIVE BULLET** means the projectile portion of an ammunition cartridge which contains or carries an explosive charge which will explode upon contact with the flesh of a human or an animal. **CARTRIDGE** means a tubular metal case having a projectile affixed at the front thereof and a cap or primer at the rear end thereof with the propellant contained in the tube between the projectile and the cap.

(B) Unlawful possession of firearms, other than handguns, and firearm ammunition is punishable under § 130.99. Unlawful possession of handguns is a felony punishable under appropriate state law. The possession of each firearm or firearm ammunition in violation of this section constitutes a single and separate violation.

(C) Nothing in division (A)(1) above prohibits a person under 18 years of age from participating in any lawful recreational activity with a firearm such as, but not limited to, practice shooting at targets upon established public or private target ranges or hunting, trapping, or fishing in accordance with the Wildlife Code or the Fish and Aquatic Life Code.

(ILCS Ch. 720, Act 5, § 24-3.1) Penalty, see § 130.99

§ 137.04 CONFISCATION AND DISPOSITION OF WEAPONS.

Upon conviction of an offense in which a weapon was used or possessed by the offender, any weapon seized may be confiscated by the trial court for further disposition consistent with state law.

(ILCS Ch. 720, Act 5, § 24-6)

CHAPTER 138: SYNTHETIC ALTERNATIVE DRUGS

Section

- 138.01 Definitions
- 138.02 Unlawful sale or delivery of synthetic substances
- 138.03 Unlawful possession of synthetic substances

- 138.99 Penalty
- Appendix: Street names of synthetic alternative drugs

§ 138.01 DEFINITIONS.

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

SYNTHETIC CANNABINOID. Any laboratory-created compound that functions similar to the active ingredient in marijuana, tetrahydrocannabinol (THC), including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance and their analog containing a cannabinoid receptor agonist, such as:

- (1) JWH-007 (1-pentyl-2-methyl-3-(1 naphthoyl)indole);
- (2) JWH-015 (2-Methyl-1-propyl-1H-dndol-3-y1)-1-naphthalenymethanone);
- (3) JWH-018 (1-pentyl-3-(1-naphtoyl)indole);
- (4) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole);
- (5) Jwh-073 (naphthalen-1-yl-(1-butyldindol-3-yl)methanone);
- (6) JWH-081 (4-methoxynaphthalen-1-y1-(1-pentylindol-3-y1)methanone);
- (7) JWH-098 (4-methoxynaphthalen-1-yl-(1-pentyl-2-methylindol-3-yl)methanone);
- (8) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole);

- (9) JWH-164 (7-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone;
- (10) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylmethanone);
- (11) JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone;
- (12) JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone;
- (13) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole);
- (14) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole);
- (15) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole);
- (16) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-2-(2-methyloctan-2yl)-6a,7,10,10a-1-tetrahydrobenzo [c] chromen-1-ol);
- (17) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2yl)-6a,7,10,10a-1-tetrahydrobenzo [c] chromen-1-ol);
- (18) HU-308 ([1R,2R,5R)-2[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]methanol);
- (19) HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione);
- (20) CP 55,940 (2-[1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol);
- (21) CP 47,497 (2-[(R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2yl)phenol) and its homologues;
- (22) WIN 55,212-2 (R-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo [1,2,3-de)-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone);
- (23) RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-yl)methanone);
- (24) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).

SYNTHETIC STIMULANT. Any compound which is a federally controlled Schedule I substance such as cathinone, methcathinone, MDMA and MDEA, including, but not limited to, any quantity of a natural or synthetic material, compound, mixture, preparation, substance which have a stimulant effect

on the central nervous system. Upon banning, any of the following substance or substances which contain the described characteristics shall be considered a ***SYNTHETIC STIMULANT***:

- (1) 3-Fluoromethcathinone;
- (2) 4-Fluoromethcathinone (other name: Flephedrone);
- (3) 3,4-Methylenedioxymethcathinone (other name: methylone, MDMC);
- (4) 3,4-Methylenedioxypryrovalerone (other name: MDPV);
- (5) 4-Methylmethcathinon (other names: mephedrone, 4-MMC);
- (6) 4-Methoxymethcathinone (other names: methedrone, bk-PMMA, PMMC);
- (7) 4-Ethylmethcathinone (other name: 4-EMC);
- (8) Ethcathinone;
- (9) Beta-keto-N-methylbenzodioxylpropylamine (other names: butylone, bk-MBDB);
- (10) Naphthylpyrovalerone (other names: naphyrone, NRG-1);
- (11) N,N-dimethylcathinone (other name: metamfepramone);
- (12) Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
- (13) 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
- (14) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
- (15) Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
- (16) 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6-amine (other name: MDAI);

(17) Any compound that is structurally derived from 2-amino-1-phenyl-1-propanone by modification or substitution in any of the following ways:

- (a) In the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl, or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;
- (b) At the 3-position with an alkyl substituent;

(c) At the nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups;

(d) Or by inclusion of the nitrogen atom in a cyclic structure.

(Ord. 764, passed 6-25-12)

§ 138.02 UNLAWFUL SALE OR DELIVERY OF SYNTHETIC SUBSTANCES.

It shall be unlawful for any person to sell, offer for sale or deliver any products containing a synthetic cannabinoid or synthetic stimulant.

(Ord. 764, passed 6-25-12) Penalty, see § 138.99

§ 138.03 UNLAWFUL POSSESSION OF SYNTHETIC SUBSTANCES.

It shall be unlawful for any person to knowingly possess a product containing a synthetic cannabinoid or synthetic stimulant.

(Ord. 764, passed 6-25-12) Penalty, see § 138.99

§ 138.99 PENALTY.

(A) *Individuals 17 years of age or older.*

(1) Any person 17 years of age or older found to be in violation of §§ 138.02 and/or 138.03 shall be subject to a fine of up to \$750 for each violation thereof; and

(2) Any person 17 years of age or older who violates §§ 138.02 and/or 138.03 may, in addition to paying the above fine, be sentenced up to six months incarceration.

(B) *Individuals under the age of 17.* Any person under the age of 17 who violates §§ 138.02 and/or 138.03 shall pay court costs, and in addition to paying said costs, shall complete no less than 100 hours of community service.

(C) *Drug counseling.* Notwithstanding age, any individual found in violation of §§ 138.02 and 138.03 must complete drug counseling.

(D) *Separate violations.* Each violation of this chapter, or every day a violation continues to exist, shall constitute a new and separate violation.

(Ord. 764, passed 6-25-12; Am. Ord. 792, passed 9-22-14)

APPENDIX: STREET NAMES OF SYNTHETIC ALTERNATIVE DRUGS

POW	K2 Blueberry	XTREME Spice
Spice Gold	Wicked X	Stinger
Swagger Grape	K2 Summit	Pulse
Spice Gold	Love Strawberry	Mystery
Pulse	Shanti Spice Blueberry	Bad 2 the Bone
Black Mamba	Aztec Midnight Wind Tezcatlipoca	Dragon Spice
Naughty Nights	Sativah	Samurai Spirit
K2 Watermelon	Mid-Atlantic Exemplar (K2 Summit)	Buzz
Black Mamba	Aztec Gold	Midnight Chill
Green Monkey Chronic Salvia	K2 Summit	K Royal
Voodoo Remix	Ultra Cloud 10	Spicylicious
G Greenies Caramel Crunch	Colorado Chronic	Shanti Spice
Black Diamond	K3 Kryptonite	K3 Grape
Blueberry Hayze	Funky Monkey XXXX	K3 Strawberry
Eruption Spice	K2 Blue	K3 Blueberry
Love Strawberry	K2 Blonde	Earthquake
Voodoo Child	K2 Pink	Ocean Blue
Mid-Atlantic Exemplar	K2 Citron	G Four
K2 Summit	K2 Mellon	Wood Stock
Magic Dragon of Platinum	K2 Pineapple	K3 Legal
Fire Bird Ultimate Strength Cinnamon	K2 Standard	Who Dat
Nitro	K2 Summit	Dark Night II
Black Magic Salvia	S1, S Werve	Spike 99 Ultra
Black Mamba	Chronic Spice	2010
K2 Strawberry	K3 Mango	Zombie World
	K3 Original	SYN Swagg
		SYN Smooth

(Ord. 764, passed 6-25-12)

