

**SUBSTITUTE**  
**ORDINANCE**

AS AMENDED

**WHEREAS**, A significant number of court prosecutions for the offense of possessing a small amount of cannabis are dismissed and therefore have a limited deterrent effect, in addition to consuming police and prosecutory resources without a corresponding public benefit; and

**WHEREAS**, The prosecution of such offenses, in situations not involving aggravating factors, in the City's Department of Administrative Hearings will free up precious police resources and may result in a more robust punitive and deterrent effect; and

**WHEREAS**, Significant benefits can also be achieved by using fines collected from successful administrative prosecutions for anti-drug efforts; now, therefore,

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

**SECTION 1.** Article II-A of Chapter 7-24 of the Municipal Code of Chicago is hereby amended by adding a new Section 7-24-099, as follows:

**7-24-099 Possession of cannabis.**

(a) It is a violation of this section for any person to possess up to 15 grams of any substance containing cannabis. As used in this section, "cannabis" includes marijuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(b) A person upon whom a notice of violation has been served for violating this section shall: (1) appear for a hearing at the location, date and time indicated on the notice of violation; or (2) adjudicate the matter by mail in the time and manner described in the Rules and Regulations of the Department of Administrative Hearings.

(c) The director of administrative hearings is authorized to impose, in addition to the fine authorized for the violation of subsection (a), a requirement that a violator attend a drug awareness or drug education program.

(d) Citations shall not be issued under this section for violations of subsection (a) occurring on the grounds of a school or public park.

(e) Any person who violates this section shall be subject to a fine of not less than \$250.00 nor more than \$500.00 for the first offense, and \$500.00 for the second and each subsequent violation occurring within a period of 30 days. Each such violation shall constitute a separate and distinct offense. Pursuant to Section 1-4-120 of the Code, a requirement that the violator perform community service may be included as a component of any penalty imposed pursuant to this section.

**SECTION 2.** Chapter 1-4 of the Municipal Code of Chicago is hereby amended by adding a new Section 1-4-145, as follows:

**1-4-145 Failure to appear at a hearing.**

(a) In addition to and separate from a default finding, decision or order that may be rendered pursuant to Section 2-14-078 of this Code, it is a violation of this section for any person upon whom a notice of violation is served for the alleged violation of Section 7-24-099 of this Code to fail to pay the fine as specified in subsection (b) of section 7-24-099, or fail to appear personally or through his attorney of record at the original hearing before the department of administrative hearings on that violation. It shall not be a violation of this section if the default order is set aside pursuant to section 2-14-108 of this Code.

(b) Any person who violates this section shall be subject to a fine equal to the maximum fine for the underlying offense or imprisonment for a period of not more than six months for each violation.

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

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Daniel Solis - Alderman, 25 <sup>th</sup> Ward	
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