

**TITLE XIII: GENERAL OFFENSES**

Chapter

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## **Rockton - General Offenses**

## CHAPTER 130: GENERAL PROVISIONS

### Section

- 130.01 Definitions
- 130.02 Intent
- 130.03 Knowledge
- 130.04 Recklessness
- 130.05 Negligence
- 130.06 Attempt
  
- 130.99 Penalty

### ' 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.  
(720 ILCS 5/2-2)

**ANOTHER.** A person or persons other than the offender.  
(720 ILCS 5/2-3)

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

**OFFENSE.** A violation of a penal statute of this village or state.  
(720 ILCS 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 or her conscious objective or purpose is to

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accomplish that result or engage in that conduct.  
(720 ILCS 5/4-4)

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### ' 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 section 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 section defining the offense, when he or she is consciously aware that that result is practically certain to be caused by his or her conduct.

(B) Conduct performed knowingly or with knowledge is performed willfully, within the meaning of a statute using the term *willfully*, unless the section 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.  
(720 ILCS 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 section 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 section using the term *wantonly*, unless the statute clearly requires another meaning.  
(720 ILCS 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.  
(720 ILCS 5/4-7)

' **130.06 ATTEMPT.**

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

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(B) *Impossibility.* It is not 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) *Maximum fine.* A person convicted of 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 village shall enforce said offense under the provisions of state law.

(720 ILCS 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.



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## CHAPTER 131: OFFENSES PERTAINING TO PROPERTY

### Section

- 131.01 (Reserved)
- 131.02 Trespass to land
- 131.03 Damaging village property
- 131.04 Jackrocks
- 131.05 Obtaining property by false pretenses
- 131.06 Theft
- 131.07 Criminal trespass to vehicles

#### ' 131.01 (RESERVED).

#### ' 131.02 TRESPASS TO LAND.

(A) (1) A person commits criminal trespass to real property when he or she:

- (a) Knowingly and without lawful authority enters or remains within or on a building;
- (b) Enters upon the land of another, after receiving prior to such entry notice from the owner or occupant that such entry is forbidden;
- (c) Remains upon the land of another, after receiving notice from the owner or occupant to depart;
- (d) 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;
- (e) 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 Procedures before the date and time set forth in the notice; or

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(f) 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

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(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.

(2) For purposes of this division (A), 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) (1) A person has received notice from the owner or occupant within the meaning of division (A) if the person has been notified personally, either orally or in writing, including a valid court order as defined by 725 ILCS 5/112A-3 granting remedy (2) of 725 ILCS 5/112A-14(b), or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the main entrance to the land or the forbidden part thereof.

(2) Subject to the provisions of division (B)(3), as an alternative to the posting of real property as set forth in division (B)(1), the owner or lessee of any real property may post the property by placing identifying purple marks on trees or posts around the area to be posted. Each purple mark shall be:

(a) A vertical line of at least eight inches in length and the bottom of the mark shall be no less than three feet nor more than five feet high. Such marks shall be placed no more than 100 feet apart and shall be readily visible to any person approaching the property; or

(b) A post capped or otherwise marked on at least its top two inches. The bottom of the cap or mark shall be not less than three feet but not more than five feet six inches high. Posts so marked shall be placed not more than 36 feet apart and shall be readily visible to any person approaching the property. Prior to applying a cap or mark which is visible from both sides of a fence shared by different property owners or lessees, all such owners or lessees shall concur in the decision to post their own property.

(c) Nothing in this division (B)(2) shall be construed to authorize the owner or lessee of any real property to place any purple marks on any tree or post or to install any post or fence if doing so would violate any applicable law, rule, ordinance, order, covenant, bylaw, declaration, regulation, restriction, contract, or instrument.

(3) Any owner or lessee who marks his or her real property using the method described in division (B)(2) must also provide notice as described in division (B)(1). The public of this state shall be informed of the provisions of division (B)(2) by the Illinois Department of Agriculture and the Illinois Department of Natural Resources. These Departments shall conduct an information campaign for the general public concerning the interpretation and implementation of division (B)(2). The information shall inform the public about the marking requirements and the applicability of division (B)(2) including

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information regarding the size requirements of the markings as well as the manner in which the markings shall be displayed. The Departments shall also include information regarding the requirement that, until

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the date this subsection becomes inoperative, any owner or lessee who chooses to mark his or her property using paint, must also comply with one of the notice requirements listed in division (B)(1). The Departments may prepare a brochure or may disseminate the information through agency websites. Non-governmental organizations including, but not limited to, the Illinois Forestry Association, Illinois Tree Farm and the Walnut Council may help to disseminate the information regarding the requirements and applicability of division (B)(2) based on materials provided by the Departments. This division (B)(3) is inoperative on and after January 1, 2013.

(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 the owner's agent having apparent authority to hire workers on the land and assign them living quarters or a place of accommodations for living thereon, nor to anyone living on such land at the request of or by occupancy, leasing, or other agreement or arrangement with the owner or the owner's agent, nor to anyone invited by such migrant worker or other person so living on the land to visit him or her at the place that person is so living upon the land.

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

(2) For the purpose of this division (D), **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) For the purpose of this division (D), **BEAUTIFIES** means to landscape, to clean up litter, or to repair dilapidated conditions on, or to board up windows and doors.

(E) 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) of this section.

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

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

(2) 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.

(3) For the purpose of this division (F) 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 Section 15-1200.5 of Article XV of the Code of Civil Procedure.



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(G) 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 (G), **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.

(H) Division (A)(1)(d) 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.

(I) *Sentence.* A violation of divisions (A)(1)(a), A(1)(b), (A)(1)(c) or (A)(1)(d) is a Class B misdemeanor. A violation of division (A)(1)(f) is a Class A misdemeanor.

(J) *Civil liability.* 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)(1)(f). 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 (J):

**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 625 ILCS 5/1-217.

(K) This section does not apply to the following persons while serving process:

(1) A person authorized to service process under Section 2-202 of the Code of Civil Procedure;

or

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(2) A special process server appointed by the circuit court.  
(720 ILCS 5/21-3) Penalty, see ' 130.99

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### ' 131.03 DAMAGING VILLAGE PROPERTY.

(A) It shall be unlawful to:

(1) Knowingly damage any village property.

(2) Recklessly, by means of fire or explosion, damage village property without the village=s consent.

(3) Knowingly start a fire on village land.

(4) Knowingly deposit on village land or in a village building any stink bomb or any offensive-smelling compound which thereby tends to interfere with the use by the village of its land or buildings. (720 ILCS 5/21-1(a))

(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

### ' 131.04 JACKROCKS.

(A) A person commits a jackrocks violation when he or she knowingly:

(1) Sells, gives away, manufactures, purchases, or possesses a jackrock; or

(2) Places, tosses, or throws a jackrock on public or private property.

(B) As used in this section, **JACKROCK** means a caltrop or other object manufactured with one or more rounded or sharpened points, which when placed or thrown present at least one point at such an angle that it is peculiar to and designed for use in puncturing or damaging vehicle tires. It does not include a device designed to puncture or damage the tires of a vehicle driven over it in a particular direction, if a conspicuous and clearly visible warning is posted at the device's location, alerting persons to its presence.

(C) This section does not apply to the possession, transfer, or use of jackrocks by any law enforcement officer in the course of his or her official duties.

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(D) A jackrocks violation is a Class A misdemeanor.  
(720 ILCS 5/21-1.4) Penalty, see ' 130.99

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**' 131.05 OBTAINING PROPERTY BY FALSE PRETENSES.**

It is unlawful for any person to obtain possession of any money, goods, property or any other thing of value by any false proceedings, cheating or by fraud.

(Ord. 1985-3, passed - -) Penalty, see ' 130.99

**' 131.06 THEFT.**

(A) Theft in the village is declared to be an offense.

(B) A person commits theft when he or she knowingly:

(1) Obtains or exerts unauthorized control over property of another;

(2) Obtains, by deception, control over property of another;

(3) Obtains, by threat, control over property of another;

(4) Obtains control over stolen property knowing the property to have been stolen by another or obtaining control over the property under such circumstances as would reasonably induce him or her to believe that the property was stolen, together with one of the following:

(a) The intent to deprive the owner permanently of the use or benefit of the property;

(b) Knowingly uses, conceals or abandons the property in such a manner as to deprive the owner permanently of the use or benefit of the property;

(c) Uses, conceals or abandons the property knowing such use, concealment or abandonment probably will deprive the owner permanently of the use or benefit of the property.

(Ord. 1985-3, passed - -) Penalty, see ' 130.99

**' 131.07 CRIMINAL TRESPASS TO VEHICLES.**

(A) A person commits criminal trespass to vehicles when he or she knowingly and without authority enters any part of or operates any vehicle, aircraft, watercraft or snowmobile.

(B) Criminal trespass to vehicles is a Class A misdemeanor.

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(720 ILCS 5/21-2) (Ord. 1985-3, passed - -)

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## CHAPTER 132: OFFENSES AGAINST PUBLIC ORDER

### Section

- 132.01 Disorderly conduct
- 132.02 Curfew
- 132.03 Loitering
- 132.04 Possession, sale, and use of fireworks
- 132.05 Unreasonable noise
- 132.06 Assault
- 132.07 Battery

### 132.01 DISORDERLY CONDUCT.

(A) A person commits disorderly conduct when he or she 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) Transmits or causes to be transmitted a false report to the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, 325 ILCS 5/4;
- (4) Transmits or causes to be transmitted a false report to the Department of Public Health under the Nursing Home Care Act, 210 ILCS 45/1-101 *et seq.*, the Specialized Mental Health Rehabilitation Act of 2013, or the ID/DD Community Care Act;
- (5) Transmits or causes to be transmitted in any manner to the Police Department or Fire Department or any privately-owned and operated ambulance service, a false request for an ambulance, emergency medical technician-ambulance, or emergency medical technician-paramedic knowing at the time there is no reasonable ground for believing that such assistance is required;
- (6) Transmits or causes to be transmitted a false report to any public safety agency without the

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reasonable grounds necessary to believe that transmitting such a report is necessary for the safety and welfare of the public; or



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(7) Calls the number A911@ for the purpose of making or transmitting a false alarm or complaint and reporting information when, at the time the call or transmission is made, the person knows there is no reasonable ground for making the call or transmission and further knows that the call or transmission could result in the emergency response of any public safety agency.

(B) In addition to any penalty imposed as set forth in ' 130.99, any person convicted of disorderly conduct shall be ordered by the court to perform community service, as set forth under the provisions of 720 ILCS 5/26-1.

(720 ILCS 5/26-1) Penalty, see ' 130.99

### **Statutory reference:**

*For other actions constituting the offense of disorderly conduct under state law, see 720 ILCS 5/26-1*

### **' 132.02 CURFEW.**

(A) It is unlawful for a person less than 18 years of age to be present at or upon any public assembly, building, place, street, or highway at the following times unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least 21 years of age approved by a parent or legal guardian unless engaged in a business or occupation which the laws of this state authorize a person less than 18 years of age to perform:

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

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

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

(B) It is unlawful for a parent, legal guardian, or other person to knowingly permit a person in his or her custody or control to violate division (A) above.

(C) It is unlawful for a person less than 16 years of age to be present at or upon any public assembly, building, place, street, or highway at the following times unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least 21 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this state authorize a person less than 16 years of age to perform:

(1) Between 11:01 p.m. on Friday and 6:00 a.m. on Saturday;

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(2) Between 11:01 p.m. Saturday and 6:00 a.m. Sunday; and

(3) Between 10:00 p.m. on Sunday through Thursday, inclusive, and 6:00 a.m. the following day.

(D) It is unlawful for a parent, legal guardian or other person to knowingly permit a person in his or her custody or control to violate division (C) above.

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(E) A person convicted of a violation of any provision of this section shall be guilty of a petty offense and shall be fined 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 405/1-1 *et seq.*, 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 (B) or (D) 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 (B) or (D) of this section shall not conflict with the dates and times that the person is employed in his or her regular occupation.

(F) It is a defense to prosecution under divisions (A) and (B) that the minor was:

(1) Engaged in an emergency involving protection of a person or property from an imminent threat of serious bodily injury or substantial damage; or

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

(3) Participating in, going to, or returning from an activity involving the exercise of the minor=s right of religious freedom, freedom of speech, right to assemble and petition or any other right protected under the First Amendment of the U.S. Constitution or Article 1, Sections 3, 4 and 5 of the Constitution of the State of Illinois, or both.

(G) Before taking any enforcement action under this section, a police officer shall ask the apparent offender=s age and reason for being in the public place. The officer shall not issue a citation nor 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 (F) is present.

(Am. Ord. 2003-15, passed 8-5-03; Am. Ord. 2004-10, passed 5-4-04)

***Statutory reference:***

*Authority to impose curfew, see 65 ILCS 5/11-1-5*

### ' 132.03 LOITERING.

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

***LOITERING.*** Includes the following activity: remaining idle in essentially one location and spending time idly in connection therewith; to linger; to stay; to saunter; to delay; to stand around; and shall also include the colloquial expression hanging around; moving slowly about; sleeping on streets or sidewalks, alleys, public ways, parks or other public property.

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***PUBLIC PLACE.*** Includes but not limited to the following: all places commonly known as being distinctively public, such as: public streets, public restrooms, schools and school grounds, sidewalks, parks, municipal airports, alleys and buildings; and all places privately owned but open to the public generally, such as: shopping centers, transportation terminals, retail stores, movie theaters, office buildings and restaurants.

***SURROUNDING AREA.*** That area easily and immediately accessible to the person under observation.

(B) *Determination of probable cause for alarm or concern.* Without limitation, the following activities and circumstances may be considered in determining probable cause for alarm or concern:

- (1) The flight of a person upon the appearance of a police officer;
- (2) Attempted concealment by a person upon the appearance of a police officer;
- (3) The systematic checking by a person of doors, windows or other means of access to buildings, houses or vehicles;
- (4) Continuous presence by a person in close proximity to any building, house, vehicle or any other property or to any other person at any time when the activity of such person manifests possible unlawful activity, such continuous presence being for an unreasonable period of time under the circumstances then existing;
- (5) The sleeping or living by a person in any motor vehicle or trailer, located on any public street, public highway, public sidewalk or public alley or way or any other public place or building, park or other public property;
- (6) The sleeping of any person on any public street, public highway, public sidewalk or public alley or way or any other public place or building, park or other public property;
- (7) The only exception to subsections (5) and (6) above will be those locations in any city park or other public facility approved by the public officials having authority to regulate the use of the public facilities.

(C) *Loitering; police order to disperse.*

(1) It shall be unlawful for any person to loiter, either alone and/or in consort with others, in a public place, when such loitering is accompanied by activity or is under circumstances that afford probable cause for alarm or concern for the safety and well-being of persons or for the security of

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property in the surrounding area.

(2) It shall be unlawful for any person to loiter, either alone and/or in consort with others, in a public place in such a manner so as to obstruct any public street or any other public place or building by hindering or impeding, or tending to hinder or impede, the free and uninterrupted passage of vehicles, traffic or pedestrians.

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(3) It shall be unlawful for any person to loiter, either along and/or in consort with others, in a public place in such a manner so as to commit in or upon any public street, public highway, public sidewalk, alley or public way or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk, alley or public way or any other public place or building, all of which prevents the free and uninterrupted ingress, egress or regress therein, thereof and thereto, and no person shall, by his or her presence or other means, either alone or in consort with others, interfere with or interrupt the conduct of business in the offices located in such buildings.

(4) When any person causes or commits any of the conditions enumerated in division (C)(1) herein, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who refuses or fails to so move on or disperse shall be guilty of violation of this section.

(Ord. 1985-3, passed 9-14) Penalty, see ' 130.99

### ' 132.04 POSSESSION, SALE, AND USE OF FIREWORKS.

Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to knowingly possess, offer for sale, expose for sale, sett at retail, or use or explode any display fireworks, flame effects, or consumer fireworks; provided that the village president and Board of Trustees shall have the power to adopt reasonable rules and regulations for the granting of permits for pyrotechnic and consumer displays. (425 ILCS 35/2 is hereby incorporated by reference as it may be amended from time to time)

(Ord. 1985-3, passed - -; Am. Ord. 2006-11, passed 9-8-06) Penalty, see ' 130.99

### ' 132.05 UNREASONABLE NOISE.

(A) *Findings.* The Village Board finds that excessive noise endangers the physical and emotional health and well-being, interferes with legitimate business activities, depresses property values, offends the senses, creates a public nuisance and in other respects reduces the quality of our environment. The Village Board finds that a significant problem exists in the village regarding noise that unreasonably disturbs the peace and quiet of our neighborhoods.

(B) *General prohibition.* No person shall, at any time, make any noise ending to unreasonably disturb the peace and quiet of any person in the vicinity thereof.

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(C) *Specific prohibitions.* Activities which create noise that tends to unreasonably disturb the peace and quiet of a person in the vicinity thereof include, but are not limited to, the following:

(1) Operating a motor vehicle so as to create unreasonably loud noise by acceleration or deceleration of the vehicle;

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(2) Using any hammer, power-operated tool, power-driven lawn or garden maintenance equipment between the hours of 10:00 p.m. and 6:00 a.m.;

(3) Using any musical instrument, radio, television, phonograph, stereo, cassette player, compact disc player or any sound amplification equipment if the sound created thereby:

(a) Can be heard on residential property across the street from the premises on which the sound is created; or

(b) Can be heard inside the residence or business of others and disturbs the peace and quiet of any person inside the residence or business; or

(c) Can be heard on residential property of another at a distance of more than 30 feet from the property line of the premises on which the sound is created.

(4) Operating any pump motors, outside hot tub jets or other similar instruments or devices on a residentially zoned lot where the noise from which is deemed excessive or offensive by the adjoining property owner.

(5) The owning, keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall cause annoyance or disturbance to persons on adjoining property or within the neighborhood.

(6) Yelling, shouting, hooting, whistling, singing or the making of any other loud noise on the public street between the hours of 10:00 p.m. and 6:00 a.m. or the making of any such noise at any time so as to annoy or disturb the quiet, comfort or repose of persons in any school, place of worship or office or in any dwelling, hotel or other type of residence or of any persons in the vicinity.

(D) *Occupant=s responsibility for guests.* No person in possession or control of any premises shall permit any other person, animal or fowl to use the premises while making any noise tending to unreasonably disturb the peace and quiet of any person in the vicinity of the premises so used.

(E) *Exemption.* This section does not apply to:

(1) Any noise made for the purpose of requesting assistance or warning against an unsafe condition; or

(2) Any emergency vehicle as defined by Illinois state statutes; or

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(3) Concerts, parades, festivals, fireworks displays and other events sponsored or authorized by the village; or

(4) Air conditioners and heat pumps which are normally located outside and that are operating within manufacturer=s standards.

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## Offenses Against Public Order

(F) *Penalty.* Violators of this section shall be subject to a fine of not less than \$10 nor more than \$500 for each occurrence.

(G) *Enforcement.* The police shall be empowered to enforce this section upon its approval and may be based on their own observation or, as the result of a signed complaint by a complainant, issue appropriate citations which will compel appearance at the court of jurisdiction in this matter.

(Ord. 1995-2, passed 1-16-95)

### ' 132.06 ASSAULT.

It is unlawful for a person to commit assault. A person commits assault when, without lawful authority, he or she engages in conduct which places another in reasonable apprehension of receiving a battery. It shall be unlawful to commit an assault.

(720 ILCS 5/12-1) (Ord. 1985-3, passed - -) Penalty, see ' 130.99

### ' 132.07 BATTERY.

It is unlawful for a person to commit battery. A person commits battery when he or she knowingly and intentionally and without legal justification and by any means causes bodily harm to or makes physical contact of an insulting or provoking nature with an individual. It is unlawful to commit a battery.

(720 ILCS 5/12-3) (Ord. 1985-3, passed - -) Penalty, see ' 130.99

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## CHAPTER 133: OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION

### Section

- 133.01 Resisting or obstructing a peace officer, firefighter, 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, FIREFIGHTER, OR CORRECTIONAL INSTITUTION EMPLOYEE.

(A) No person shall knowingly resist or obstruct 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.

(B) For purposes of this section, the term *CORRECTIONAL INSTITUTION EMPLOYEE* shall mean 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 bail setting hearing or preliminary hearing, 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 firefighting 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.

(720 ILCS 5/31-1) Penalty, see ' 130.99

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**' 133.02 REFUSING TO AID AN OFFICER.**

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

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

(B) Preventing the commission by another of any offense.

(720 ILCS 5/31-8) Penalty, see ' 130.99

**' 133.03 TAMPERING WITH PUBLIC NOTICE.**

(A) A person commits tampering with public notice when he or she knowingly and without lawful authority alters, destroys, defaces, removes or conceals any public notice posted according to law, during the time for which the notice was to remain posted.

(B) Tampering with public notice is a petty offense.

(720 ILCS 5/32-9) Penalty, see ' 130.99



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## CHAPTER 134: OFFENSES AGAINST PUBLIC MORALS

### Section

#### *General Provisions*

- 134.01 Public indecency
- 134.02 Obscenity
- 134.03 Harmful material

#### *Minors*

- 134.10 Contributing to delinquency of child
  - 134.11 Illegal possession/drinking of alcoholic beverage as a minor
  - 134.12 Providing alcoholic beverages or fraudulent identification to a minor
  - 134.13 Truancy from school by persons under 16 years of age
  - 134.14 Social host responsibility
- 
- 134.99 Penalty

#### **GENERAL PROVISIONS**

##### **' 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 as defined in 720 ILCS 5/12-12; or
- (2) A lewd exposure of the body done with intent to arouse or to satisfy the sexual desire of the person.

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

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(C) Breast-feeding of infants is not an act of public indecency.  
(720 ILCS 5/11-9) 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 or her 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

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material or the circumstances of its dissemination to be specially designed for or directed to such an audience.

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(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) *Prima facie evidence.* 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 shall be prima facie evidence of an intent to disseminate.

(E) *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.

(720 ILCS 5/11-20(a) - (g)) Penalty, see ' 130.99

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(A) *Elements of the offense.* No person, with knowledge that a person is a child (that is, a person under 18 years of age), or who fails to exercise reasonable care in ascertaining the true age of a child,

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shall knowingly distribute to, send, or cause to be sent to, or exhibit to, or offer to distribute or exhibit any harmful material to a child.

(B) *Definitions.* For purposes of this section:

(1) **HARMFUL.** Material is harmful if, to the average person, applying contemporary standards, its predominant appeal, taken as a whole, is to prurient interest, that is a shameful or morbid interest in nudity, sex, or excretion, which goes substantially beyond customary limits of candor in description or representation of such matters, and is material the redeeming social importance of which is substantially less than its prurient appeal.

(2) **MATERIAL.** Any writing, picture, record, or other representation or embodiment.

(3) **DISTRIBUTE.** To transfer possession of, whether with or without consideration.

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

(C) *Interpretation of evidence.*

(1) 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 the material was offered, distributed, sent, or exhibited, unless it appears from the nature of the matter or the circumstances of its dissemination, distribution or exhibition 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.

(2) In prosecutions under this section, where circumstances of production, presentation, sale, dissemination, distribution, or publicity indicate the material is being commercially exploited for the sake of its prurient appeal, such evidence is probative with respect to the nature of the material and can justify the conclusion that the redeeming social importance of the material is in fact substantially less than its prurient appeal.

(D) *Affirmative defenses.*

(1) Nothing in this section shall prohibit any public library or any library operated by an accredited institution of higher education from circulating harmful material to any person under 18 years of age, provided such circulation is in aid of a legitimate scientific or educational purpose, and it shall be an affirmative defense in any prosecution for a violation of this section that the act charged was committed in aid of legitimate scientific or educational purposes.



## Offenses Against Public Morals

(2) Nothing in this section shall prohibit any parent from distributing to his or her child any harmful material.

(3) Proof that the defendant demanded, was shown, and acted in reliance upon any of the following documents as proof of the age of a child, shall be a defense to any criminal prosecution under this section: a document issued by the federal government or any state, county, or village government or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, a registration certificate issued under the Federal Selective Service Act or an identification card issued to a member of the armed forces.

(4) In the event an advertisement of harmful material as defined in this section culminates in the sale or distribution of 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 harmful material was transmitted by mail, telephone, or similar means of communication, and delivery of the harmful material to the child was by mail, freight, or similar means of transport, it shall be a defense in any prosecution for a violation of this section that the advertisement contained the following statement, or a statement substantially similar thereto, and that the defendant required the purchaser to certify that he or she was not under 18 years of age and that the purchaser falsely stated that he or she was not under 18 years of age: ANOTICE: It is unlawful for any person under 18 years of age to purchase the matter herein advertised. Any person under 18 years of age who falsely states that he or she is not under 18 years of age for the purpose of obtaining the material advertised herein, is guilty of a Class B misdemeanor under the laws of the state of Illinois and a violation of ' 134.03 of the Village Code of Ordinances.@

(E) *Child falsifying age.* No person under 18 years of age shall falsely state, either orally or in writing, that he or she is not under the age of 18 years, or present or offer to any person any evidence of age and identity which is false or not actually his or her own for the purpose of ordering, obtaining, viewing, or otherwise procuring or attempting to procure or view any harmful material.

Penalty, see ' 130.99

***Statutory reference:***

*Distributing harmful material to a minor, see 720 ILCS 5/11-21*

## MINORS

### ' 134.10 CONTRIBUTING TO DELINQUENCY OF CHILD.

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Any person who knowingly or wilfully causes, aids or encourages any boy or girl to be or to become a delinquent child, or who knowingly or wilfully does acts which directly tend to render any such child so delinquent, is guilty of contributing to the delinquency of children, which is unlawful. Instead of

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imposing a punishment, the court may release the defendant from custody on probation for one year upon his or her entering into recognizance with or without surety in such sum as the court may direct.  
(Ord. 1985-3, passed - -)

**' 134.11 ILLEGAL POSSESSION/DRINKING OF ALCOHOLIC BEVERAGE AS A MINOR.**

(A) Any person to whom the sale, gift or delivery of any alcoholic liquor is prohibited because of age shall not purchase or accept a gift of such alcoholic liquor or have such alcoholic liquor in his or her possession.

(B) No person under the age of 21 years may have any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public.

(C) The possession and dispensing or consumption by a minor of alcoholic liquor in the performance of a bona fide religious service or ceremony or the consumption by a minor under the direct supervision and approval of the parents or parent of such minor in the privacy of a home is not prohibited.  
(Ord. 1985-3, passed - -; Am. Ord. 2010-19, passed 9-21-10)

**' 134.12 PROVIDING ALCOHOLIC BEVERAGES OR FRAUDULENT IDENTIFICATION TO A MINOR.**

(A) No person, after purchasing or otherwise obtaining alcoholic liquor, shall sell, give or deliver such alcoholic liquor to another person under the age of 21 years, except as provided in ' 134.11(C).

(B) Any person who sells, gives or furnishes to any person under the age of 21 years any false or fraudulent written, printed or photographic evidence of the age and identity of such person or who sells, gives or furnishes to any person under the age of 21 years evidence of age and identification of any other person is guilty of violating this code.

(Ord. 1985-3, passed - -; Am. Ord. 2010-19, passed 9-21-10) Penalty, see ' 130.99

**' 134.13 TRUANCY FROM SCHOOL BY PERSONS UNDER 16 YEARS OF AGE.**

It shall be unlawful for any person enrolled in a public, private or parochial school within the corporate limits of the village to absent himself or herself from attendance at school without parental permission. Any person who shall so absent himself or herself shall be guilty of the offense of truancy and be subject to the penalties set forth herein. Emergency or unforeseen absence due to illness or other

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causes beyond the control of the person so absenting himself or herself from school without parental

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permission shall not constitute truancy if permission for such absence has substantially been obtained from the parent and such permission is submitted in writing to the proper school authorities within 24 hours after such an absence.

(Ord. 1997-4, passed 6-2-97) Penalty, see ' 130.99

### ' 134.14 SOCIAL HOST RESPONSIBILITY.

(A) *Definitions.* For the purposes of this section, the following sections shall apply unless the context clearly indicates or requires a different meaning.

***ALCOHOLIC BEVERAGE.*** Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing or mixed with alcohol, spirits, wine, or beer.

***CONVEYANCE.*** Any vehicle, trailer, watercraft or container operated for the transportation of persons or property.

***EVENT*** or ***GATHERING.*** Any group of two or more persons who have assembled together or gathered together for a social occasion or other activity.

***ILLICIT DRUGS.*** Any drug, substance or compound which is prohibited by law, including but not limited to, drugs prescribed by a physician which are in the possession of or used by someone other than the person to whom the drug was prescribed.

***PERSON.*** Any individual, partnership, corporation, or any association of one or more individuals.

***RESIDENCE*** or ***PREMISES.*** Includes but is not limited to, any home, yard, field, farm, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function and whether owned, leased, rented, or used with or without permission or compensation.

***UNDERAGE PERSON.*** Any individual under 21 years of age.

(B) Except as otherwise permitted by state law or local ordinance, it shall be unlawful for any person to permit, allow, host or fail to take reasonable steps to prevent an event or gathering at his or her place of residence or other private property, public place, any other premises, or in any conveyance under his or her control, where illicit drugs or alcoholic beverages are consumed by any underage person, if

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such person either knows or reasonably should have known that such an event or gathering is taking place. Permitted exceptions to this section shall include events or gatherings involving the use of alcoholic beverages by underage persons for bona fide religious ceremonies and/or the consumption of alcoholic beverages by an underage person exclusively permitted by his or her parent or legal guardian as permitted by state law, as amended from time to time.

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(C) It is the duty of any person who permits, allows or hosts an event of gathering where underage persons will be present, whether at his or her place of residence or any other private property, public place, any other premises, or in any conveyance under his or her control, to take all reasonable steps to prevent the consumption of illicit drugs or alcoholic beverages by an underage person at the event or gathering.

(D) A person who permits, allows or hosts any event or gathering as described in division (B) or (C) above shall be liable under this section, regardless of whether that person is present at the event of gathering, unless that person has taken mitigating steps as described in division (E) below.

(E) A person who discovers an event or gathering where underage persons are consuming illicit drugs or alcoholic beverages, whether at his or her place of residence or any other private property, public place, any premises, or in any conveyance under his or her control shall not be in violation of this section if he or she immediately notifies the Village of Rockton Police Department or other law enforcement agency of the existence of the event or gathering. Such notification must be made before any other person contacts the police about the event or gathering.

(Ord. 2010-20, passed 11-1-10) Penalty, see ' 134.99

**' 134.99 PENALTY.**

Any person who violates any provisions of ' 134.14 shall be fined not more than \$750 for each such violation. Each day on which, or during which, a violation occurs shall constitute a separate offense.

(Ord. 2010-20, passed 11-1-10)

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## 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
- 135.05 Video Gaming Act; fee

### ' 135.01 DEFINITIONS.

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

***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 the following, as more specifically defined in 720 ILCS 5/28-2(a)(1) through (a)(4):

- (1) Coin-in-the-slot operated mechanical devices;
- (2) Vending machines;
- (3) Crane games; and
- (4) Redemption machines.

***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.

***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

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to receive money, property, or evidence of debt.  
(720 ILCS 5/28-2(a)(1), (2), (3), (4))

**135.02 GAMBLING.**

(A) Gambling is prohibited under this code. A person commits gambling when, within the corporate limits of the village, he:

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

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

(3) 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, as described in 720 ILCS 5/28-1(a)(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 or she has received in the courses of a bet or wager;

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

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

(8) 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 ticket 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;

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(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

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## Gambling Offenses

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;

(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 (A)(12) does not apply to activities referenced in division (B)(6)(a) and (6)(b) below; or

(13) Any other activity which may be defined as **GAMBLING** pursuant to 720 ILCS 5/28-1(a), as amended from time to time.

(B) Participants in any of the following activities shall not be deemed to have committed gambling as defined in ' 135.01(A) of this Code:

(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, 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 230 ILCS 25/1 *et seq.*;

(6) (a) Lotteries when conducted by the state in accordance with 20 ILCS 1605/1 *et seq.* This exemption includes any activity conducted by the Department of Revenue to sell lottery tickets pursuant to the provisions of 20 ILCS 1605/1 *et seq.* and its rules; or

(b) The purchase of lottery tickets through the Internet for a lottery conducted by the State

of Illinois under the program established in 20 ILCS 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;

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(8) Raffles when conducted in accordance with 230 ILCS 15/1 *et seq.*;

(9) Charitable games when conducted in accordance with 230 ILCS 30/1 *et seq.*;

(10) Pull tabs and jar games when conducted under 230 ILCS 20/1 *et seq.*;

(11) Gambling games conducted on riverboats when authorized under 230 ILCS 10/1 *et seq.*;

(12) Video gaming terminals at a licensed establishment, licensed truck stop establishment, licensed fraternal establishment, or licensed veterans establishment when conducted in accordance with the Video Gaming Act (230 ILCS 40/1 *et seq.*);

(13) Games of skill or chance where money or other things of value can be won but not payment or purchase is required to participate; and

(14) Any other activity which may be excluded from the definition of **GAMBLING** pursuant 720 ILCS 5/28-1(b), as amended from time to time.

(Ord.2012-9, passed 6-5-12) Penalty, see ' 130.99

**Statutory reference:**

*Gambling, see 720 ILCS 5/28-1*

*Internet gambling, see 720 ILCS 5/28-1(a)(12)*

### ' 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 Riverboat Gambling Act (230 ILCS 10/1 *et seq.*) or the Video Gaming Act (230 ILCS 40/1 *et seq.*). Under 720 ILCS 5/28-3, any person who knowingly permits any premises or property owned or occupied by him or her or under his or her control to be used as a gambling place

commits a misdemeanor, and each subsequent offense is a felony.

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

(1) The premises is hereby declared to be a public nuisance and may be proceeded against as such; ~~and~~

(2) The 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; and

## Gambling Offenses

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(3) All licenses, permits or certificates issued by the village authorizing the serving of food or liquor on such premises may be deemed void by the Local Liquor Commissioner; and no license, permit or certificate so cancelled may be reissued for such premises for a period of at least 60 days thereafter. (Ord. 2012-9, passed 6-5-12) Penalty, see ' 130.99

### ***Statutory reference:***

*Keeping a gambling place, see 720 ILCS 5/28-3*

### **' 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 village 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.

(720 ILCS 5/28-5(a), (b))

### **' 135.05 VIDEO GAMING ACT; FEE.**

(A) The village hereby adopts the provisions of the Video Gaming Act (230 ILCS 40/1 *et seq.*, as amended from time to time) and to the extent any provision of the Rockton Code of Ordinances is in conflict herewith, the provisions of this section shall govern.

(B) The village shall charge a licensing fee for all video gaming terminals located in establishments within the village, as defined in the Video Gaming Act, in the amount of \$25 per video gaming terminal per year.

(Ord. 2012-9, passed 6-5-12)



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## CHAPTER 136: OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

### Section

#### *Drugs and Drug Paraphernalia*

- 136.01 Definitions
- 136.02 Possession of cannabis
- 136.03 Possession of drug paraphernalia
- 136.04 Manufacture or delivery of drug paraphernalia
- 136.05 Delivery of drug paraphernalia to a minor
- 136.06 Advertisement of drug paraphernalia
- 136.07 Seizure of drug paraphernalia

#### *Alcoholic Beverages*

- 136.15 Consumption and possession of alcoholic beverages

#### ***Cross-reference:***

*Alcoholic beverages; licensing and regulations, see Chapter 112*

### **DRUGS AND DRUG PARAPHERNALIA**

#### **' 136.01 DEFINITIONS.**

(A) The term **DRUG PARAPHERNALIA** means all equipment, products and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this subchapter or the State of Illinois= Controlled Substances Act (720 ILCS 570/102 *et seq.*), the Cannabis Control Act (720 ILCS 550/3 *et seq.*), and the Hypodermic Syringes and Needles Act (720 ILCS 635/.01 *et seq.*). It includes but is not limited to:

- (1) Kits used, intended for use, or designed for use in planting, propagating, cultivating,

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growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

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(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(6) Diluents and adulterants, such as quinine hydrochloride, dormin, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(10) Containers, heat-seal machines and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

(11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Roach clips: Meaning objects used to hold burning material, such as a marijuana

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cigarette, that has become too small or too short to be held in the hand;

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- (f) Miniature cocaine spoons, and cocaine vials;
- (g) Chamber pipes;
- (h) Carburetor pipes;
- (i) Electric pipes;
- (j) Air-driven pipes;
- (k) Chillums;
- (l) Bongs;
- (m) Ice pipes or chillers.

(B) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any or federal law relating to any controlled substance;
- (3) The proximity of the object, in time and space, to a direct violation of the Controlled Substances Act;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of the Controlled Substances Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Controlled Substances Act shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;

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(9) National and local advertising concerning its use;

(10) The manner in which the object is displayed for sale;

(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(13) The existence and scope of legitimate uses for the object in the community;

(14) Expert testimony concerning its use.

(Ord. 2002-16, passed 5-21-02)

**' 136.02 POSSESSION OF CANNABIS.**

(A) 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) It is unlawful for any person knowingly to possess cannabis.

(Ord. 1985-3, passed - -) Penalty, see ' 130.99

**' 136.03 POSSESSION OF DRUG PARAPHERNALIA.**

It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the



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human body a controlled substance in violation of the Controlled Substances Act. Any person who violates this section upon conviction shall be fined not less than \$100 nor more than \$750.

(Ord. 2002-16, passed 5-21-02)

**' 136.04 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.**

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of the Controlled Substances Act as amended. Any person who violates this section upon conviction shall be fined not less than \$100 nor more than \$750.

(Ord. 2002-16, passed 5-21-02)

**' 136.05 DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.**

Any person 18 years of age or over who violates ' 136.03 by delivering drug paraphernalia to a person under 18 years of age who is at least three years his or her junior is guilty of a special offense and upon conviction may be fined not less than \$100 nor more than \$750.

(Ord. 2002-16, passed 5-21-02)

**' 136.06 ADVERTISEMENT OF DRUG PARAPHERNALIA.**

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section upon conviction shall be fined not less than \$100 nor more than \$750.

(Ord. 2002-16, passed 5-21-02)

**' 136.07 SEIZURE OF DRUG PARAPHERNALIA.**

(A) Every device of drug paraphernalia as defined by ' 136.01 found in this village is contraband, and shall be subject to seizure, confiscation and destruction by the village.

(B) Every device of drug paraphernalia located in the village shall be seized and forfeited as contraband to the village.

(C) If, within 60 days after any seizure pursuant to this section, a person having any property

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interest in the seized property is charged with an offense, the court which renders judgment upon such charge shall, within 30 days after such judgment, conduct a forfeiture hearing to determine whether such property was contraband at the time of seizure. Such hearing shall be commenced by the written petition

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by the village, including material allegations of the fact, the name and address of every person determined by the village to have any property interest in the seized property, a representation that written notice of the date, time and place of such hearing has been mailed to every such person by certified mail at least 10 days before such date, and a request for forfeiture. Every such person may appear as a party and present evidence at such hearing. The quantum of proof required shall be a preponderance of the evidence, and the burden of proof shall be on the village. If the court determines that the seized property was contraband at the time of seizure, an order of forfeiture and disposition of the seized property shall be entered: a paraphernalia device shall be received by the Chief of Police, who shall effect its destruction, except that valuable parts thereof may be liquidated and the resultant money shall be deposited in the general fund of the village wherein such seizure occurred; money and other things of value shall be received by the Chief of Police and, upon liquidation, shall be deposited in the general fund of the village. Such order of forfeiture and disposition shall for the purposes of appeal, be a final order and judgment in a civil proceeding.

(D) If a seizure pursuant to division (B) is not followed by a charge pursuant to division (C), or if the prosecution of such charge is permanently terminated or indefinitely discontinued without any judgment of conviction or acquittal (1) the Village Attorney shall commence an in rem proceeding for the forfeiture and destruction of a paraphernalia device, or for the forfeiture and deposit in the general fund of the village of any seized money or other thing of value, or both, in the Circuit Court and (2) any person having any property interest in such seized paraphernalia device, money or other thing of value may commence separate civil proceedings in the manner provided by law.

(Ord. 2002-16, passed 5-21-02)

***ALCOHOLIC BEVERAGES***

**' 136.15 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES.**

(A) No person shall transport, carry, possess, have or consume any alcoholic liquor in any street, alley, village- or publicly-owned space, privately-owned parking lot opened to the public in a commercial area, or in or upon any vehicle commonly used for transportation of passengers, or in and upon a depot or waiting room area of any public carrier within the village except in the original container and with the seal unbroken.

(B) The Village Board of Trustees reserves the right to grant or permit exceptions.

(Ord. 2003-27, passed 10-7-03) Penalty, see ' 130.99

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## 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, 430 ILCS 65/0.01 through 16.3*

### ***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 switch-blade 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, but which shall not be deemed to include crossbows, common or compound bows and/or underwater spearguns in accordance with 720 ILCS 5/24-1(e);

(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 or her 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

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or older;

- (4) Set a spring gun;

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(5) 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;

(6) 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

(7) 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 or her 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 or her incapable of normal functioning.

(720 ILCS 5/24-1(a)) 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 720 ILCS 5/24-1(a)(6), (7), and (9) and 24-1(c)(2) respectively*

### ' 137.02 EXEMPTIONS.

(A) Section 137.01(A)(3) and (A)(7) does not apply to or affect any of the following:

(1) Peace officers or any person summoned by a peace officer to assist in making arrests or



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preserving the peace while actually engaged in assisting the 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 place of employment.

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(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 or 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; 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 an agency certified by the Department of Financial and Professional Regulation if their duties include the carrying of a weapon under the provisions of state law, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that the commuting is accomplished within one hour from departure from home or place of employment, as the case may be. 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 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 this 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 private security contractor, private detective, or private alarm contractor, or employee of the licensed agency at all times when he or she is in possession of a concealable weapon.

(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 that commercial or industrial operation while actually engaged in the performance of their duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least five persons registered with the Department of Financial and Professional Regulation; provided, that the security guard has successfully completed a course of study, approved by and supervised by the state Department of Financial and Professional Regulation consisting of not less than 40 hours of training which shall include theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be in compliance with this section who has completed the required 20 hours of training for a security officer and 20 hours of required firearm training and who has been issued a firearm authorization card by the state Department of Financial and Professional Regulation. Conditions for the renewal of firearm authorization cards issued under the provisions of this section shall be the same as for those cards issued under the provisions of state law. Such firearm authorization card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized

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by the Commission to carry the weapons specified in ' 137.01(A)(3) while on duty in the course of any investigation for the Commission.

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(8) Persons employed by a financial institution for the protection of other employees and property related to that 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 the financial institution, provided that any person so employed has successfully completed a course of study, approved by and supervised by the state 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 who has completed the required 20 hours of training for a security officer and 20 hours of required firearm training and who has been issued a firearm authorization card by the state Department of Financial and Professional Regulation. Conditions for renewal of firearm authorization cards issued under the provisions of this section shall be the same as for those issued under the provisions of state law. Such firearm authorization card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this division, **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 20 ILCS 2910/0.01 *et seq.*

(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 725 ILCS 210/1 *et seq.*

(12) Special investigators appointed by a State=s Attorney under 55 ILCS 5/3-9005.

(13) 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.

(14) 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.

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

(16) Divisions (A)(4) and (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

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Concealed Carry Act at the time of the commission of the offense.

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

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(C) Section 137.01(A)(5) does not apply to any owner, manager, or authorized employee of any place specified in that division or to any law enforcement officer.

(D) Section 137.01(A)(6) 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) Bona fide collectors of antique or surplus military ordnance.

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

(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 (D)(1) above, 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.

(E) 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.

(F) 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 with the state or the federal government where such transportation, carrying, or possession is incident to the lawful transportation in which the common carrier is engaged. 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 720 ILCS 5/24-1(a)(7), which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container by the possessor of a valid firearm owner's identification card.

(720 ILCS 5/24-2)

### **' 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 is under 18 years of age and has in his or her possession any firearm of a size which may

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be concealed upon the person;

(2) He 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;

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

(4) He 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.** 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.** 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; or

(5) He is intellectually disabled and has any firearms or firearm ammunition in his or her possession; or

(6) He 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 fixed 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.

(720 ILCS 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.

(720 ILCS 5/24-6)



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