

**PUBLICATION OF:**

**ORDINANCE NO. 15-083**

**ORDINANCE AMENDING TITLE 13  
OF THE SCHAUMBURG VILLAGE CODE WITH REGARD TO  
CERTAIN OFFENSES**

**ADOPTED: AUGUST 24, 2015**

**PUBLISHED IN PAMPHLET FORM  
PURSUANT TO AUTHORIZATION AND DIRECTION  
OF THE PRESIDENT AND BOARD OF TRUSTEES  
OF THE VILLAGE OF SCHAUMBURG ON AUGUST 25, 2015**

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**WHEREAS**, the Village of Schaumburg, as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970, has the authority to exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

**WHEREAS**, the Village of Schaumburg desires to enact certain regulations with regard to certain general offenses, namely bullying, electronic harassment, sexting, and cannabis related offenses; and

**WHEREAS**, the Village of Schaumburg finds it in the best interests of the Village to amend the Village Code to provide for the same;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF SCHAUMBURG:**

**SECTION ONE:** The recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

**SECTION TWO:** That Title 13, Chapter 137 of the Schaumburg Village Code is hereby amended to add a new Section 137.03, to read in its entirety as follows:

**“§ 137.03: - BULLYING**

(A) Definitions: For the purposes of this Section, "Bullying" and "Cyber-bullying" have the meaning ascribed to it in Section 27-23.7 of the Illinois School Code (105 ILCS 5/).

(B) It is a violation of this section for any person to engage in bullying or cyber-bullying directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:

- (1) placing the student or students in reasonable fear of harm to the student's or students' person or property;
- (2) causing a substantially detrimental effect on the student's or students' physical or mental health;
- (3) substantially interfering with the student's or students' academic performance; or
- (4) substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.

(C) Penalty. Any person violating this section shall be subject to the following penalty:

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- (1) a mandatory fine of not less than \$100.00, plus administrative costs, or more than \$750.00, plus administrative costs; or
- (2) ordered to obtain counseling or other supportive services to address the acts; or
- (3) ordered to perform community service."

**SECTION THREE:** That Title 13, Chapter 137 of the Schaumburg Village Code is hereby amended to add a new Section 137.04, to read in its entirety as follows:

**"§ 137.04: - ELECTRONIC DISSEMINATION OF VISUAL DEPICTIONS  
(SEXTING)"**

(A) Definitions: For the purposes of this Section, the following definitions shall apply:

"Computer" has the meaning ascribed to it in Section 17-0.5 of the Illinois Criminal Code of 2012.

"Electronic communication device" means an electronic device, including but not limited to a wireless telephone, personal digital assistant, or a portable or mobile computer, that is capable of transmitting images or pictures.

"Indecent visual depiction" means a depiction or portrayal in any pose, posture, or setting involving a lewd exhibition of the unclothed or transparently clothed genitals, pubic area, buttocks, or, if such person is female, a fully or partially developed breast of the person.

"Minor" means a person under 18 years of age.

(B) A minor shall not solicit, possess, distribute, or disseminate an indecent visual depiction of another minor through the use of a computer or electronic communication device.

(C) A minor does not violate this paragraph if all of the following apply:

- (1) The minor did not solicit the photograph or video.
- (2) The minor took reasonable steps to report the photograph or video to a school or law enforcement official.
- (3) The minor did not transmit or distribute the photograph or a video to a third party other than a law enforcement official.

(D) Penalty. Any person violating this section shall be subject to

- (1) a mandatory fine of not less than \$100.00, plus administrative costs, or more than \$750.00, plus administrative costs; or

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- (2) ordered to obtain counseling or other supportive services to address the acts; or
- (3) ordered to perform community service.
- (E) Nothing in this Section shall be construed to prohibit a prosecution for disorderly conduct, public indecency, child pornography, a violation of Article 26.5 Harassing and Obscene Communications of the Criminal Code of 2012, or any other applicable provision of law."

**SECTION FOUR:** That Title 13, Chapter 130 of the Schaumburg Village Code is hereby amended to add a new Section 130.06, to read in its entirety as follows:

**"§ 130.06: - ELECTRONIC HARASSMENT**

- (A) Definitions: For purposes of this Section, the terms "Electronic communication", "family or household member", "harass", and "harassing" has the meaning ascribed to it in Section 26.5-0.1 of the Illinois Criminal Code (720 ILCS 5/).
- (B) *Harassment by telephone.* A person commits harassment by telephone when he or she uses telephone communication for any of the following purposes:
  - (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;
  - (2) Making a telephone call, whether or not conversation ensues, with intent to abuse, threaten or harass any person at the called number;
  - (3) Making or causing the telephone of another repeatedly to ring, with intent to harass any person at the called number;
  - (4) Making repeated telephone calls, during which conversation ensues, solely to harass any person at the called number;
  - (5) Knowingly permitting any telephone under one's control to be used for any of the purposes mentioned herein.
- (C) *Harassment through electric communications.* A person commits harassment through electronic communications when he or she uses electronic communication for any of the following purposes:
  - (1) Making any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent with an intent to offend;
  - (2) Threatening injury to the person or to the property of the person to whom an electronic communication is directed or to any of his or her family or household members; or

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- (3) Knowingly permitting any electronic communications device to be used for any of the purposes mentioned in this subsection
- (D) Evidence that a defendant made additional telephone calls or engaged in additional electronic communications after having been requested by a named complainant or by a family or household member of the complainant to stop may be considered as evidence of an intent to harass unless disproved by evidence to the contrary.
- (E) Penalty. Any person violating this section shall be subject to a mandatory fine of not less than \$100.00, plus administrative costs, or more than \$750.00, plus administrative costs."

**SECTION FIVE:** That Title 13, Chapter 135 of the Schaumburg Village Code is hereby amended to add new Sections 135.04 and 135.05, to read in their entirety as follows:

**"§ 135.04: - POSSESSION OF CANNABIS**

- (A) Definitions: All terms and phrases used in this Section shall have the same meaning as ascribed to them in the Cannabis Control Act (720 ILCS 550/1 *et seq.*), as amended.
- (B) A person commits the offenses of possession of cannabis by knowingly possessing thirty (30) grams or less of any substance containing cannabis unless permitted or authorized to do so pursuant to the Cannabis Control Act (720 ILCS 550/1 *et seq.*)
- (C) Penalty: Any person violating this Section shall be subject to a mandatory fine of not less than \$200.00, plus administrative costs, or more than \$750.00, plus administrative costs, per offense.

**§ 135.05: - POSSESSION OF DRUG PARAPHERNALIA**

- (A) Definitions: All terms and phrases used herein shall have the same meaning as ascribed to them in the Drug Paraphernalia Control Act (720 ICLS 600/1 *et seq.*), as amended.
- (B) It shall be a violation of this Section for any person to knowingly possess an item of drug paraphernalia which is intended to be used unlawfully in planning, 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 cannabis or a controlled substance in violation of the Cannabis Control Act, the Illinois Controlled Substances Act, or the Methamphetamine Control and Community

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Protection Act, or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act.

(D) Penalty: Any person violating this Section shall be subject to a mandatory fine of not less than \$200.00, plus administrative costs, or more than \$750.00, plus administrative costs, per offense.”

**SECTION SIX:** This Ordinance shall be in full force and effect, after passage, approval and publication as required by law.

AYES:

NAYS:

ABSENT:

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Village President

ATTEST:

\_\_\_\_\_  
Village Clerk

APPROVED:

\_\_\_\_\_  
Assistant Village Attorney