# CHAPTER 133: OFFENSE AGAINST PUBLIC MORALS AND DECENCY

#### SECTION

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# Sec. 133.001 Gambling.

- (A) A person commits gambling when he:
- (1) Plays a game of chance or skill for money or other thing of value, unless excepted in Subsection (B) of this Section, or
- (2) Makes a wager upon the result of any game, contest or any political nomination, appointment or election, or
- (3) Operates, keeps, owns, uses, purchases, exhibits, rents, sells, bargains for the sale or lease of, manufactures or distributes any gambling device, or
- (4) 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 received in the course of a bet or wager, or
- (5) Sells pools upon the result of any games or contests of skill or chance, political nomination, appointment or election, or
- (6) Sets up or promotes any lottery or sells, offers to sell or transfers any ticket to share for any lottery, or
- (7) 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, or
- (8) Knowingly advertises any lottery or policy game or drafts, prints or publishes any lottery ticket or share, device, or any advertisement of any lottery or policy game, or
- (9) Knowingly transmits information as to wagers, betting odds, or changes in betting odds by telephone, telegraph, radio, semaphore or similar means, or knowingly

installs or maintains equipment for the transmission or receipt of such information; except nothing in this Subsection prohibits transmission or receipt of such information for use in news reporting of sporting events or contests.

- (B) Participants in any of the following activities shall not be convicted of gambling:
- (1) Agreements to compensate for loss caused by the happening of chance including without limitation contracts of indemnity or guaranty and life or health or accident insurance, or
- (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, and
  - (3) Pari-mutuel betting as authorized by the laws of this state, and
- (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, and
- (5) The game commonly known as "Bingo", when conducted in accordance with "An act making lawful the conducting of bingo by certain non-profit organizations", requiring licensing and prescribing regulations therefor, and
- (6) The Illinois State Lottery when conducted by the State of Illinois in accordance with the "Illinois Lottery Law."

## Sec. 133.002 Definitions.

- (A) Gambling device; Any clock, tape machine, slot machine or other machine or device for the reception of money or other things 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; including, but not limited to: any video gaming terminal, as defined in the Video Gaming Act, 230 ILCS 40/5; or any mechanism, furniture, fixture, equipment or other device designed primarily for use in a gambling place. However, a "gambling device" does not include: (Ord. 62-09, J. 35, p. 220-223, passed 11/9/09)
- (1) A coin-in-the-slot operated mechanical device played for amusement which rewards the player with the right to replay such mechanical device, which device is constructed or devised as to make such result of the operation thereof depend in part upon the skill of the player and which returns to the player thereof no money, property or right to receive money or property.
- (2) Vending machines by which full and adequate return is made for the money invested and in which there is no element of chance or hazard.
- (B) A "lottery" is 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.

(C) A "policy game" is any scheme or procedure whereby a person promises or guarantees by any instrument, bill, certificate, writing, token or other device that any particular number, character, ticket or certificate shall in the event of any contingency in the nature of a lottery entitle the purchaser or holder to receive money, property or evidence of debt.

# Sec. 133.005 Keeping a gambling place.

A "gambling place" is any real estate, vehicle, boat or any other property whatsoever used for the purposes of gambling. Any person who knowingly permits any premises or property owned or occupied by him or under his control to be used as a gambling place shall be guilty of the offense of keeping a gambling place.

- (A) Such premises is a public nuisance and may be proceeded against as such, and
- (B) All licenses, permits or certificates issued by the City of Highland Park or any subdivision or public agency thereof authorizing the serving of food or liquor on such premises, shall be void; and no license, permit or certificate so cancelled shall be reissued for such premises for a period of 60 days thereafter; nor shall any person convicted of keeping a gambling place be reissued such license for one year from his conviction and, after a second conviction of keeping a gambling place, any such person shall not be reissued such license, and
- (C) Such premises of any person who knowingly permits thereon a violation of any Section of this Chapter shall be held liable for, and may be sold to pay any unsatisfied judgment that may be recovered and any unsatisfied fine that may be levied under any Section of this Chapter.

## Sec. 133.010 Contributing to the sexual delinquency of a child.

- (A) Any person of the age of 14 years and upwards who performs or submits to any of the following acts with any person under the age of 18 contributes to the sexual delinquency of a child:
  - (1) An act of sexual intercourse, or
  - (2) An act of deviate sexual conduct, or
- (3) Any lewd fondling or touching of either a child or the person done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the person or both, or
- (4) Any lewd act done in the presence of the child with the intent to arouse or to satisfy the sexual desires of either the person or the child or both.

## Sec. 133.015 Public indecency.

- (A) Any person of the age of 14 years and upwards who performs any of the following acts in a public place commits a public indecency:
  - (1) An act of sexual intercourse, or
  - (2) An act of deviate sexual conduct, or
- (3) A lewd exposure of the body done with the intent to arouse or to satisfy the sexual desire of the persons, or
  - (4) A lewd fondling or caress of the body of another person of either sex.
- (B) "Public place" for purposes of this Section means any place where the conduct may reasonably be expected to be viewed by others.

## Sec. 133.020 Obscenity.

Elements of the offense:

- (A) 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:
- (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, or
- (2) Presents or directs an obscene play, dance or other performance or participates directly in that portion thereof which makes it obscene, or
  - (3) Publishes, exhibits or otherwise makes available anything obscene, or
- (4) Performs an obscene act or otherwise presents an obscene exhibition of his body for gain, or
- (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 to be obscene, whether or not it is obscene.
  - (B) A thing is obscene for purposes of this Section when:
- (1) The average person, applying contemporary standards, would find that the work, taken as a whole, appeals to the prurient interest.
- (2) The work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law.
  - (3) The work, taken as a whole, lacks serious literary, artistic, political or

scientific value.

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

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 utterly without redeeming social importance. In any prosecution for an offense under this Section evidence shall be admissible to show:

- (1) The character of the audience for which the material was designed or to which it is directed.
- (2) 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.
- (3) The artistic, literary, scientific, educational or other merits of the material, or absence thereof.
  - (4) The degree, if any, of public acceptance of the material in this state.
- (5) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material.
  - (6) 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 3 copies of obscene material shall be prima facie evidence of an intent to disseminate.

#### Sec. 133.025 Possession of marijuana.

- (A) It shall be unlawful for any person knowingly to possess any quantity of cannabis in the City of Highland Park.
- (B) As used in this Chapter 133, Section 133.025, "Cannabis" includes marijuana, hashish or 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 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.

(C) The provisions of this Section shall not apply to the possession of more than 30 grams of any substance containing cannabis.

# Sec. 133.030 Possession of instruments for injection of controlled substances.

No person, not being a physician, dentist, chiropodist or veterinarian licensed under the laws of the State of Illinois or of the state where he resides, or a registered professional nurse, or a registered embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, registered pharmacist, manufacturer of surgical instruments, industrial user, official of any government having possession of the articles hereinafter mentioned by reason of his official duties, nurse or a medical laboratory technician acting under the direction of a physician or dentist, employee of an incorporated hospital acting under the direction of its superintendent or officer in immediate charge, or a carrier or messenger engaged in the transportation of such articles, or the holder of a permit issued under Section 22-54 of Chapter 38 of the Illinois Revised Statutes, or a farmer engaged in the use of such instruments on livestock, or a person engaged in chemical, clinical, pharmaceutical or other scientific research, shall have in his possession a hypodermic syringe, hypodermic needle, or any instrument adapted for the use of controlled substances or cannabis by subcutaneous injection.

## Sec. 133.035 Sale or exchange of instruments for injection of controlled substances.

No such syringe, needle or instrument shall be delivered or sold to, or exchanged with, any person except a registered pharmacist, physician, dentist, veterinarian, licensed embalmer, manufacturer or dealer in embalming supplies, wholesale druggist, manufacturing pharmacist, industrial user, a nurse upon written order of a physician or dentist, the holder of a permit issued under Section 22-54 of Chapter 38 of the Illinois Revised Statutes, a registered chiropodist, or an employee of an incorporated hospital acting under the direction of its superintendent or officer in immediate charge; provided that the provisions of this Section shall not prohibit the sale, possession or use of hypodermic syringes or hypodermic needles for treatment of livestock or poultry by the owner or keeper thereof or a person engaged in chemical, clinical, pharmaceutical or other scientific research.

## Sec. 133.040 Sex Offender Registration

- (A) Any person who registers with the City Department of Police as a sex offender pursuant to the Illinois Sex Offender Registration Act, 730 ILCS 150/1 *et seq.* ("Act"), shall pay a registration fee in the amount set forth in the Annual Fee Resolution. (Ord. 77-09, J. 35, p. 304-308, passed 12/14/09)
- (B) The Department of Police shall deposit all fees received pursuant to Section 133.040(A) of this Chapter in the manner set forth in Section 3 (c) (6) of the Act, 730 ILCS 150/3(c)(6). (Ord. 77-09, J. 35, p. 304-308, passed 12/14/09)

## Sec. 133.045 Drug Parapharnalia Control.

- (A) For purposes of this Section, the following terms are defined as follows unless the context otherwise requires:
  - (1) Cannabis shall have the meaning ascribed to it in Section 133.025 of this Code.
  - (2) Controlled substance shall have the meaning ascribed to it in Section 102 of the Illinois Controlled Substances Act, 720 ILCS 570/102.
  - (3) Deliver or delivery means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.
  - (4) Drug paraphernalia means all equipment, products and materials of any kind, other than methamphetamine manufacturing materials as defined in Section 10 of the Methamphetamine Control and Community Protection Act, 720 ILCS 646/10, which are intended to be used unlawfully 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 cannabis or a controlled substance in violation of the Cannabis Control Act, 720 ILCS 550/1 et seq., the Illinois Controlled Substances Act, 720 ILCS 570/102, or this Section. Drug paraphernalia includes, but is not limited to:
  - (a) Kits intended to be used unlawfully in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;
  - (b) Isomerization devices intended to be used unlawfully in increasing the potency of any species of plant which is cannabis or a controlled substance;
  - (c) Testing equipment intended to be used unlawfully in a private home for identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;
  - (d) Diluents and adulterants intended to be used unlawfully for cutting cannabis or a controlled substance by private persons;
  - (e) Objects intended to be used unlawfully in ingesting, inhaling, or otherwise introducing cannabis, cocaine, hashish, hashish oil, or a synthetic drug product or misbranded drug in violation of the Illinois Food, Drug and Cosmetic Act, 410 ILCS 620/1 et seq., into the human body including, without limitation, the following items:
    - (i) water pipes;
    - (ii) carburetion tubes and devices;
    - (iii) smoking and carburetion masks;
    - (iv) miniature cocaine spoons and cocaine vials;

- (v) carburetor pipes;
- (vi) electric pipes;
- (vii) air-driven pipes;
- (viii) chillums;
- (ix) bongs;
- (x) ice pipes or chillers;
- (f) Any item whose purpose, as announced or described by the seller, is for use in violation of this Section.
- (B) Sale or delivery; public nuisance.
- (1) It shall be unlawful for any person to keep for sale, offer for sale, sell, or deliver for any commercial consideration any item of drug paraphernalia.
- (2) Any store, place, or premises from which or in which any item of drug paraphernalia is kept for sale, offered for sale, sold, or delivered for any commercial consideration is declared to be a public nuisance.
- (C) Possession of drug paraphernalia.
- (1) It shall be unlawful for any person to possess an item of drug paraphernalia with the intent to use it in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance into the human body, or in preparing cannabis or a controlled substance for that use.
- (2) In determining intent under this Subsection (c), the proximity of the cannabis or controlled substances to drug paraphernalia or the presence of cannabis or a controlled substance on the drug paraphernalia, may be considered.
  - (D) Exemptions.
    - (1) This Section does not apply to:
    - (a) Items used in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale;
    - (b) Items historically and customarily used in connection with the planting, propogating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance. Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers;
    - (c) Items defined in subsection (a) of this Section which are used for decorative purposes, when such items have been rendered completely inoperable or incabable of being used for any illicit purpose prohibited by this Section;

- (d) A person who is legally authorized to possess hypodermic syringes or needles under the Hypodermic Syringes and Needles Act; and
- (e) Items used by law enforcement personnel to present education programs concerning the prevention of substance abuse.
- (2) In determining whether or not a particular item is exempt under this Subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:
  - (a) the general, usual, customary, and historical use to which the item involved has been put;
  - (b) expert evidence concerning the ordinary or customary use of the item and the effect of any perculiarity in the design or engineering of the device upon its functioning;
  - (c) any written instructions accompanying the delivery of the item concerning the purposes of uses to which the item can or may be put;
  - (d) any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;
  - (e) any national or local advertising concerning the design, purpose or use of the item involved, and the entrie context in which such advertising occurs;
  - (f) the manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;
  - (g) 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; and
  - (h) the existence and scope of legitimate uses for the object in the community.
- (E) Intent. It is the intent of this Code that the provisions of this Section shall be substantially in accordance with the requirements of the Drug Paraphernalia Control Act, 720 ILCS 600/1 *et seq.* (Ord. 09-13 J. 39, p. 16-20, passed 01/28/13)

#### Sec. 133.999 Penalty.

Whoever violates any provisions or Section of this Chapter 133, shall be fined not less than \$150 nor more than \$1000 for each offense. (Ord. 09-13, J. 39, p. 16-20, passed 01/28/13)

(Note: Chapter 133 revised in toto by Ord. 7-79, J. 14, p. 0009, passed 1/8/79)