

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 21-5.5 as follows:

6 (720 ILCS 5/21-5.5 new)

7 Sec. 21-5.5. Criminal trespass to a safe school zone.

8 (a) As used in this Section:

9 "Employee" means a person employed by a school whose
10 relationship with that agency constitutes an employer-employee
11 relationship under the usual common law rules, and who is not
12 an independent contractor. "Employee" includes, but is not
13 limited to, a teacher, student teacher, aide, secretary,
14 custodial engineer, coach, or his or her designee.

15 "School administrator" means the school's principal, or
16 his or her designee.

17 "Safe school zone" means an area that encompasses any of
18 the following places during regular school hours or within 60
19 minutes before or after the school day or 60 minutes before or
20 after a school-sponsored activity. This shall include any
21 school property, ground, or street, sidewalk, or public way
22 immediately adjacent thereto and any public right-of-way
23 situated immediately adjacent to school property. The safe

1 school zone shall not include any portion of the highway not
2 actually on school property.

3 "School activity" means and includes any school session,
4 any extracurricular activity or event sponsored by or
5 participated in by the school, and the 60-minute periods
6 immediately preceding and following any session, activity, or
7 event.

8 "Student" means any person enrolled or previously enrolled
9 in a school.

10 (b) A person commits the offense of criminal trespass to a
11 safe school zone when he or she knowingly:

12 (1) enters or remains in a safe school zone without
13 lawful business, when as a student or employee, who has
14 been suspended, expelled, or dismissed for disrupting the
15 orderly operation of the school, and as a condition of the
16 suspension or dismissal, has been denied access to the safe
17 school zone for the period of the suspension or in the case
18 of dismissal for a period not to exceed the term of
19 expulsion, and has been served in person or by registered
20 or certified mail, at the last address given by that
21 person, with a written notice of the suspension or
22 dismissal and condition; or

23 (2) enters or remains in a safe school zone without
24 lawful business, once being served either in person or by
25 registered or certified mail that his or her presence has
26 been withdrawn by the school administrator, or his or her

1 designee, and whose presence or acts interfere with, or
2 whenever there is reasonable suspicion to believe, such
3 person will disrupt the orderly operation, or the safety,
4 or peaceful conduct of the school or school activities.

5 This clause (b) (2) has no application to conduct protected
6 by the Illinois Educational Labor Relations Act or any
7 other law applicable to labor relations. This clause (b) (2)
8 has no application to conduct protected by the First
9 Amendment to the Constitution of the United States or
10 Article I of the Illinois Constitution, including the
11 exercise of free speech, free expression, and the free
12 exercise of religion or expression of religiously based
13 views.

14 (c) Sentence. Criminal trespass to a safe school zone is a
15 Class A misdemeanor.