

# HB3935



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3935

Introduced 10/29/2019, by Rep. Stephanie A. Kifowit

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-88

Amends the School Code. In provisions requiring parental notification of law enforcement detainment and questioning of a student on school grounds, specifies that notification and other actions must be made by a law enforcement officer, a school resource officer, or other school security personnel even if the detainment and questioning is made by another person in the presence of the law enforcement officer, school resource officer, or other school security personnel. Effective immediately.

LRB101 14781 NHT 63747 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 School Code is amended by renumbering and  
5 changing Section 22-85, as added by Public Act 101-478, as  
6 follows:

7 (105 ILCS 5/22-88)

8 Sec. 22-88 ~~22-85~~. Parental notification of law enforcement  
9 detainment and questioning on school grounds.

10 (a) In this Section, "school grounds" means the real  
11 property comprising an active and operational elementary or  
12 secondary school during the regular hours in which school is in  
13 session and when students are present.

14 (b) Before ~~detaining and questioning~~ a student on school  
15 grounds who is under 18 years of age and who is suspected of  
16 committing a criminal act is detained and questioned by a law  
17 enforcement officer, a school resource officer, or other school  
18 security personnel or by any person in the presence of a law  
19 enforcement officer, a school resource officer, or other school  
20 security personnel, the, — a law enforcement officer, school  
21 resource officer, or other school security personnel must do  
22 all of the following:

23 (1) Ensure that notification or attempted notification

1 of the student's parent or guardian is made.

2 (2) Document the time and manner in which the  
3 notification or attempted notification under paragraph (1)  
4 occurred.

5 (3) Make reasonable efforts to ensure that the  
6 student's parent or guardian is present during the  
7 questioning or, if the parent or guardian is not present,  
8 ensure that school personnel, including, but not limited  
9 to, a school social worker, a school psychologist, a school  
10 nurse, a school guidance counselor, or any other mental  
11 health professional, are present during the questioning.

12 (4) If practicable, make reasonable efforts to ensure  
13 that a law enforcement officer trained in promoting safe  
14 interactions and communications with youth is present  
15 during the questioning. An officer who received training in  
16 youth investigations approved or certified by his or her  
17 law enforcement agency or under Section 10.22 of the Police  
18 Training Act or a juvenile police officer, as defined under  
19 Section 1-3 of the Juvenile Court Act of 1987, satisfies  
20 the requirement under this paragraph.

21 (c) This Section does not limit the authority of a law  
22 enforcement officer to make an arrest on school grounds. This  
23 Section does not apply to circumstances that would cause a  
24 reasonable person to believe that urgent and immediate action  
25 is necessary to do any of the following:

26 (1) Prevent bodily harm or injury to the student or any

1 other person.

2 (2) Apprehend an armed or fleeing suspect.

3 (3) Prevent the destruction of evidence.

4 (4) Address an emergency or other dangerous situation.

5 (Source: P.A. 101-478, eff. 8-23-19; revised 10-21-19.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.