



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5027

Introduced 2/18/2020, by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

New Act

30 ILCS 105/5

from Ch. 127, par. 141

30 ILCS 105/5.930 new

Creates the Student Safety Act. Provides that, subject to appropriation, the Office of the Attorney General (Office), in consultation with the Illinois State Police, the Department of Human Services, the Department of Children and Family Services, and the State Board of Education, shall establish a Student Safety Program for receiving reports and other information from the public regarding potential self-harm and potential harm, incidents of bullying and hazing, or criminal acts, including, but not limited to, sexual abuse, assault, or rape, directed at school students, school employees, or schools in this State. Provides that the Student Safety Program must include a hotline and mobile phone application for receiving reports and information. Requires the hotline and mobile phone application to be available for use 24 hours a day. Requires the Office to provide promotional information regarding the School Safety Program on its official website. Contains provisions concerning a contracted vendor to create and operate the hotline and mobile phone application; rules of confidentiality; disclosure of information; criminal offenses as a result of a report or information to the hotline or mobile phone application; notice to schools; reports referred to the Department of Children and Family Services; and the Student Safety Program Fund. Amends the State Finance Act. Provides that the Student Safety Program Fund is not subject to certain restrictions regarding special funds.

LRB101 16663 KTG 69331 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning school safety.

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

4 Section 1. Short title. This Act may be cited as the
5 Student Safety Act.

6 Section 5. Definitions. As used in this act:

7 "Office" means the Office of the Attorney General.

8 "Fund" means the Student Safety Program Fund.

9 "Hotline" means a combination of a toll-free telephone
10 number and a mobile phone application that transmits voice,
11 text, photographic, and other messages and information to a
12 vendor described in subsection (c) of Section 10, including
13 information forwarded to that vendor through the Attorney
14 General's website described in subsection (b) of Section 10.

15 "School" means a public, private, denominational, or
16 parochial school offering pre-kindergarten, kindergarten, or
17 any grade from 1 through 12, regardless of whether school is in
18 session. School includes all school property.

19 "School employee" means a full-time or part-time employee
20 of a school or school district including a school
21 administrator, a volunteer with a school or school district, or
22 any other person who provides services to a school or school
23 district while he or she is on school property. A person

1 described in this definition is considered a school employee
2 regardless of whether school is in session.

3 "School property" means a building, playing field, or
4 property used for school purposes to impart instruction to
5 school students or used for school purposes, functions, and
6 events, regardless of whether school is in session. School
7 property includes a school bus as that term is defined in the
8 Illinois Vehicle Code.

9 "School student" means a person who is enrolled as a
10 student in a school regardless of whether school is in session.

11 Section 10. Attorney General; Student Safety Program;
12 hotline and mobile application.

13 (a) Subject to appropriation, the Office of the Attorney
14 General, in consultation with the Illinois State Police, the
15 Department of Human Services, the Department of Children and
16 Family Services, and the State Board of Education, shall
17 establish a Student Safety Program for receiving reports and
18 other information from the public regarding potential
19 self-harm and potential harm, incidents of bullying and hazing,
20 or criminal acts, including, but not limited to, sexual abuse,
21 assault, or rape, directed at school students, school
22 employees, or schools in this State. The Office shall establish
23 the Student Safety Program within the guidelines of this Act.
24 The Office shall have access to the information needed to meet
25 the reporting requirements of Section 45.

1 (b) The Student Safety Program described in subsection (a)
2 must include a hotline and mobile phone application for
3 receiving reports and information described in subsection (a).
4 The hotline and mobile phone application must be available for
5 use 24 hours a day. The Office shall provide promotional
6 information regarding the School Safety Program on its official
7 website.

8 (c) Prior to operation of the hotline and mobile phone
9 application, the Illinois Department of Innovation and
10 Technology shall issue a request for proposals to enter into a
11 contract for operation of the hotline and mobile phone
12 application. The Illinois Department of Innovation and
13 Technology has sole authority over the request for proposals
14 process and the decision over which entity is awarded the
15 contract. This subsection does not prohibit the Illinois State
16 Police from submitting a proposal. Any contract must require
17 the vendor to be bound by the requirements of this Act,
18 including its confidentiality provisions. Beginning on the
19 date that the hotline and mobile phone application established
20 under this Act are operational, all calls received by any
21 existing State-run school violence hotline in operation before
22 the establishment of this Act must be directed to the hotline
23 and mobile phone application established under this Act. Any
24 existing State-run school violence hotline in operation before
25 the effective date of this Act must be disconnected within 6
26 months after the hotline and mobile phone application

1 established under this Act are operational.

2 (d) The Office is responsible for the continued operational
3 and administrative oversight of the Student Safety Program. The
4 program must provide for a means to review all information
5 submitted through the hotline and mobile phone application and
6 to direct those reports and that information, including any
7 analysis of the potential threat as determined appropriate by
8 the Office or a vendor under contract with the Office, to the
9 Department of Children and Family Services, local law
10 enforcement officials, and the appropriate school officials.
11 The Student Safety Program must include a means by which
12 responses at the local level are determined and evaluated for
13 effectiveness. The Office shall ensure that appropriate
14 training is provided to program personnel in all of the
15 following areas:

16 (1) Crisis management, including recognizing mental
17 illness and emotional disturbance.

18 (2) The resources that are available in the community
19 for providing mental health treatment and other human
20 services.

21 (3) Other matters determined by the Office to be
22 relevant to the administration and operation of the
23 program.

24 (e) A report or other information submitted to the hotline
25 or mobile phone application is considered to be a report to the
26 Office and must be maintained as a record by the vendor

1 described in subsection (c) for at least one year, subject to
2 the confidentiality requirements of this Act.

3 (f) The Office shall ensure that any hotline or mobile
4 phone application information that suggests that a psychiatric
5 emergency is taking place is immediately referred to the
6 appropriate crisis mental health provider for the county or
7 city in which the psychiatric emergency is taking place.

8 (g) The Office shall develop a source of information on
9 available community mental health resources and contacts,
10 including mental health services. The Office shall notify
11 schools and law enforcement of this information source. The
12 notice must include the recommendation from the Office that
13 school and law enforcement officials, upon investigating a case
14 and determining that mental illness or emotional disturbance is
15 or may be involved, utilize this information in aiding subjects
16 and their parents or guardians.

17 (h) At least biannually, the governing body of a school
18 shall provide to the Illinois State Police current emergency
19 contact information for at least one school official to ensure
20 that a school official is able to receive information under
21 subsection (d) at all times. If a governing body provides
22 contact information for more than one school official, the
23 governing body shall specify the days and times that each
24 school official is available to receive information under
25 subsection (d).

1 Section 15. Confidentiality.

2 (a) Any report or information submitted to the hotline or
3 mobile phone application under Section 10 is confidential,
4 shall not be released except as otherwise provided in this Act,
5 and is not subject to disclosure under the Freedom of
6 Information Act.

7 (b) Any report or information submitted to the hotline or
8 mobile phone application and forwarded by the vendor described
9 in subsection (c) of Section 10 to the Department of Children
10 and Family Services, a law enforcement official, or a school
11 official is confidential, shall not be released except as
12 otherwise provided in this Act, and is not subject to
13 disclosure under the Freedom of Information Act.

14 (c) A person who intentionally discloses information to
15 another person in violation of subsection (a) or (b) is guilty
16 of a misdemeanor punishable by imprisonment for not more than
17 90 days or a fine of not more than \$500, or both.

18 (d) If a report to the hotline or mobile phone application
19 does not result in a referral, or the investigation of a
20 subject results in a determination that no action regarding
21 that subject is warranted, the subject's name shall be expunged
22 from the records of all entities involved in the hotline and
23 mobile phone application program except as otherwise provided
24 by law.

25 Section 20. Disclosure of information. Information

1 regarding a report or information submitted to the hotline or
2 mobile phone application under Section 10, including any
3 identifying information, may be disclosed as follows:

4 (1) By either of the following as necessary for
5 purposes of this Act and as necessary to address reports
6 and information received under this Act:

7 (A) A vendor described under subsection (c) of
8 Section 10 and its employees acting in the course of
9 their duties.

10 (B) By the Office, law enforcement agencies,
11 schools, crisis mental health providers, and community
12 mental health providers, and their employees acting in
13 the course of their duties. However, this subparagraph
14 does not allow the disclosure of information that would
15 identify the person who submitted the report or
16 information to the hotline or mobile phone application
17 under Section 10.

18 (2) With the permission of the person or, if the person
19 is a minor, with the permission of the minor and his or her
20 parents or guardians.

21 (3) Pursuant to a court order issued under Section 25.

22 Section 25. Filing of petition by person charged with a
23 criminal offense.

24 (a) A person who is charged with a criminal offense as a
25 result of a report or information filed under Section 10 may

1 petition the court for disclosure of the report or information,
2 including any identifying information, as provided in this
3 subsection. The prosecuting attorney for the local unit of
4 government having jurisdiction and the Attorney General shall
5 be notified of the petition not less than 7 days before the
6 hearing on the petition, or as otherwise provided by the court,
7 and have the right to appear in the proceedings to oppose the
8 petition. If a petition is filed under this subsection, the
9 court may conduct a hearing on the petition. If a hearing is
10 conducted, it shall be conducted in chambers outside of the
11 presence of the petitioner. If the court determines that the
12 report or information, including any identifying information,
13 is relevant to the criminal proceedings and is essential to the
14 fair trial of the person, the court may order the disclosure of
15 that report or information, including any identifying
16 information, as determined appropriate by the court. The court
17 may place restrictions on the release and use of the report or
18 information, including any identifying information, obtained
19 under this subsection or may redact material as it considers
20 appropriate. Material reviewed by the court that is not ordered
21 released or that is redacted shall be maintained by the court
22 under seal for purposes of appeal only.

23 (b) If the prosecuting attorney for a local unit of
24 government has reason to believe that a report or other
25 information provided under Section 10 was falsely provided to
26 the vendor described in subsection (c) of Section 10 through

1 the hotline or mobile phone application operated by that vendor
2 under Section 10, that prosecuting attorney may petition the
3 court to disclose the report or information, including any
4 identifying information. The Attorney General shall be
5 notified of the petition not less than 7 days before the
6 hearing on the petition, or as otherwise provided by the court,
7 and has the right to appear in the proceedings to oppose the
8 petition. If the court determines that there is reason to
9 believe that the report or information may have been falsely
10 provided, the court may order the disclosure of the report or
11 information, including any identifying information, as
12 determined appropriate by the court. The court may place
13 restrictions on the release and use of the report or
14 information, including any identifying information, obtained
15 under this subsection or may redact material as it considers
16 appropriate. Material reviewed by the court that is not ordered
17 released or that is redacted shall be maintained by the court
18 under seal for purposes of appeal only.

19 (c) The Attorney General may also appear in any other
20 action to oppose the release of any report or information
21 obtained under Section 10, including any identifying
22 information.

23 Section 30. Notice to schools. The Attorney General shall
24 inform all school districts and non-public schools in the State
25 that school-aged children under the age of 18 may use the

1 hotline and mobile phone application established under this Act
2 to report potential self-harm and potential harm, incidents of
3 bullying or hazing, or criminal acts, including, but not
4 limited to, sexual abuse, assault, or rape, directed at school
5 students, school employees, or schools in this State. The
6 Attorney General shall also post on its website, in a relevant
7 and conspicuous place, information on how a child can make a
8 report to the hotline and mobile phone application.

9 Section 35. Reports referred to the Department of Children
10 and Family Services. Reports made to the hotline and mobile
11 phone application that are referred to the Department of
12 Children and Family Services concerning potential self-harm
13 and potential harm or incidents of bullying or hazing shall not
14 initiate a child abuse or neglect investigation under the
15 Abused and Neglected Child Reporting Act and shall not be
16 transmitted to any Child Protective Services Unit.

17 Section 40. Student Safety Program Fund.

18 (a) The Student Safety Program Fund is created as a special
19 fund within the State treasury.

20 (b) The Fund shall consist of:

21 (1) Any moneys appropriated to the Office for the
22 Student Safety Program.

23 (2) Gifts, bequests, and other sources of funding.

24 (3) All interest earned on moneys in the Fund.

1 (c) The Office may only expend money from the Fund, upon
2 appropriation, for the following purposes:

3 (a) To pay the costs of the Office for
4 administering this Act.

5 (b) To pay the costs of the vendor described in
6 subsection (c) of Section 10 for operating the hotline
7 and mobile phone application under this Act.

8 (c) To promote public awareness of the School
9 Safety Program, including the availability of the
10 hotline and mobile phone application, and the website
11 operated by the Office.

12 (d) The restrictions on special funds provided in
13 subsections (b) and (c) of Section 5 of the State Finance Act
14 do not apply to the Fund.

15 Section 45. Reporting requirements. The Office, in
16 consultation with the Department of Human Services, the
17 Department of Children and Family Services, the State Board of
18 Education, and the vendor described in subsection (c) of
19 Section 10, shall prepare an annual report under this Act. The
20 report shall be filed not later than July 31 of the year in
21 which the report is due. Copies of the report shall be filed
22 with the Governor, the Secretary of the Senate, and the Clerk
23 of the House of Representatives. The report shall also be
24 maintained on the Office's website. The report shall contain
25 all of the following information:

1 (1) The number of reports and other information
2 reported to the hotline and the mobile phone application
3 under this Act.

4 (2) The number of reports and information reported to
5 the hotline and the mobile phone application that are
6 forwarded to the Department of Children and Family
7 Services, local local enforcement officials, and school
8 officials.

9 (3) The nature of the reports and information reported
10 to the hotline and the mobile phone application in
11 categories established by the Office.

12 (4) The responses to the reports and information
13 reported to the hotline or mobile phone application by the
14 Office.

15 (5) The source of all funds deposited in the Student
16 Safety Program Fund.

17 (6) The itemized costs and expenditures incurred by the
18 Office in implementing this Act.

19 (7) The itemized costs and expenditures incurred by the
20 Department of Children and Family Services and the Illinois
21 State Police in implementing this Act.

22 (8) The contributions of, and the costs and
23 expenditures incurred by, the vendor with whom the Office
24 enters into a contract under subsection (c) of Section 10.

25 (9) An analysis of the overall effectiveness of the
26 Student Safety Program in addressing potential self-harm

1 and potential harm or criminal acts directed at schools,
2 school employees, and school students.

3 Section 50. The State Finance Act is amended by changing
4 Section 5 and by adding Section 5.930 as follows:

5 (30 ILCS 105/5) (from Ch. 127, par. 141)

6 Sec. 5. Special funds.

7 (a) There are special funds in the State Treasury
8 designated as specified in the Sections which succeed this
9 Section 5 and precede Section 6.

10 (b) Except as provided in the Illinois Motor Vehicle Theft
11 Prevention and Insurance Verification Act, when any special
12 fund in the State Treasury is discontinued by an Act of the
13 General Assembly, any balance remaining therein on the
14 effective date of such Act shall be transferred to the General
15 Revenue Fund, or to such other fund as such Act shall provide.
16 Warrants outstanding against such discontinued fund at the time
17 of the transfer of any such balance therein shall be paid out
18 of the fund to which the transfer was made.

19 (c) When any special fund in the State Treasury has been
20 inactive for 18 months or longer, the fund is automatically
21 terminated by operation of law and the balance remaining in
22 such fund shall be transferred by the Comptroller to the
23 General Revenue Fund. When a special fund has been terminated
24 by operation of law as provided in this Section, the General

1 Assembly shall repeal or amend all Sections of the statutes
2 creating or otherwise referring to that fund.

3 The Comptroller shall be allowed the discretion to maintain
4 or dissolve any federal trust fund which has been inactive for
5 18 months or longer.

6 (d) (Blank).

7 (e) (Blank).

8 (f) The restrictions on special funds provided in
9 subsections (b) and (c) do not apply to the Student Safety
10 Fund.

11 (Source: P.A. 100-373, eff. 1-1-18.)

12 (30 ILCS 105/5.930 new)

13 Sec. 5.930. The Student Safety Program Fund.