

HB0029



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0029

Introduced 1/14/2021, by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-88
105 ILCS 5/22-90 new

Amends the School Code. Provides that law enforcement officers shall not maintain a presence on school grounds unless there exists an imminent threat of danger to students at the school in question or there is reason to believe that urgent and immediate action is necessary to prevent such danger to students. Makes conforming changes. Defines "school grounds". Effective immediately.

LRB102 02858 CMG 12867 b

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, and by
6 adding Section 22-90 as 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
13 in 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, a law enforcement officer, a school
17 resource officer, or other school security personnel must do
18 all of the following:

19 (1) Ensure that notification or attempted notification
20 of the student's parent or guardian is made.

21 (2) Document the time and manner in which the
22 notification or attempted notification under paragraph (1)
23 occurred.

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

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

18 (c) Except as otherwise provided in subsection (d) and
19 Section 22-90, this ~~This~~ Section does not limit the authority
20 of a law enforcement officer to make an arrest on school
21 grounds. This Section does not apply to circumstances that
22 would cause a reasonable person to believe that urgent and
23 immediate action is necessary to do any of the following:

24 (1) Prevent bodily harm or injury to the student or
25 any other person.

26 (2) Apprehend an armed or fleeing suspect.

1 (3) Prevent the destruction of evidence.

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

3 (d) The presence of law enforcement officers on school
4 grounds for the purposes of detaining and questioning a
5 student shall only be authorized if there exists an imminent
6 threat of danger to students at the school in question or there
7 is reason to believe that urgent and immediate action is
8 necessary to prevent such danger to students as provided under
9 subsection (c).

10 (Source: P.A. 101-478, eff. 8-23-19; revised 8-24-20.)

11 (105 ILCS 5/22-90 new)

12 Sec. 22-90. Law enforcement presence on school grounds.
13 Notwithstanding any provision of law to the contrary, law
14 enforcement officers shall not maintain a presence on school
15 grounds unless there exists an imminent threat of danger to
16 students at the school in question or there is reason to
17 believe that urgent and immediate action is necessary to
18 prevent such danger to students. For the purposes of this
19 Section, "school grounds" has the same meaning as provided
20 under subsection (a) of Section 22-88.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.