



Sen. Don Harmon

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10300HB1204sam002

LRB103 05882 RJT 62501 a

1 AMENDMENT TO HOUSE BILL 1204

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1204, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The School Code is amended by changing Section  
6 22-93 as follows:

7 (105 ILCS 5/22-93)

8 Sec. 22-93. School ~~guidance~~ counselor; gift ban.

9 (a) In this Section:

10 "School ~~Guidance~~ counselor" means a person employed by a  
11 school district and working in a high school to offer students  
12 advice and assistance in making career or college plans.

13 "Prohibited source" means any person who is employed by an  
14 institution of higher education or is an agent or spouse of or  
15 an immediate family member living with a person employed by an  
16 institution of higher education.

1 "Relative" means an individual related to another as  
2 father, mother, son, daughter, brother, sister, uncle, aunt,  
3 great-aunt, great-uncle, first cousin, nephew, niece, husband,  
4 wife, grandfather, grandmother, grandson, granddaughter,  
5 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
6 brother-in-law, sister-in-law, stepfather, stepmother,  
7 stepson, stepdaughter, stepbrother, stepsister, half brother,  
8 or half sister or the father, mother, grandfather, or  
9 grandmother of the individual's spouse or the individual's  
10 fiance or fiancée.

11 (b) A school ~~guidance~~ counselor may not intentionally  
12 solicit or accept any gift from a prohibited source or solicit  
13 or accept a gift that would be in violation of any federal or  
14 State statute or rule. A prohibited source may not  
15 intentionally offer or make a gift that violates this Section.

16 (c) The prohibition in subsection (b) does not apply to  
17 any of the following:

18 (1) Opportunities, benefits, and services that are  
19 available on the same conditions as for the general  
20 public.

21 (2) Anything for which the school ~~guidance~~ counselor  
22 pays the market value.

23 (3) A gift from a relative.

24 (4) Anything provided by an individual on the basis of  
25 a personal friendship, unless the school ~~guidance~~  
26 counselor has reason to believe that, under the

1 circumstances, the gift was provided because of the  
2 official position or employment of the school ~~guidance~~  
3 counselor and not because of the personal friendship. In  
4 determining whether a gift is provided on the basis of  
5 personal friendship, the school ~~guidance~~ counselor must  
6 consider the circumstances in which the gift was offered,  
7 including any of the following:

8 (A) The history of the relationship between the  
9 individual giving the gift and the school ~~guidance~~  
10 counselor, including any previous exchange of gifts  
11 between those individuals.

12 (B) Whether, to the actual knowledge of the school  
13 ~~guidance~~ counselor, the individual who gave the gift  
14 personally paid for the gift or sought a tax deduction  
15 or business reimbursement for the gift.

16 (C) Whether, to the actual knowledge of the school  
17 ~~guidance~~ counselor, the individual who gave the gift  
18 also, at the same time, gave the same or a similar gift  
19 to other school district employees.

20 (5) Bequests, inheritances, or other transfers at  
21 death.

22 (6) Any item or items from any one prohibited source  
23 during any calendar year having a cumulative total value  
24 of less than \$100.

25 (7) Promotional materials, including, but not limited  
26 to, pens, pencils, banners, posters, and pennants.

1           (8) Travel, lodging, food, and beverage costs incurred  
2           by the school counselor and paid by a institution of  
3           higher education for attendance by the school counselor of  
4           an educational or military program at the institution of  
5           higher education. Any costs paid for by a institution of  
6           higher education may not exceed the per diem rates for  
7           travel, gift, and car expenses set by the federal Internal  
8           Revenue Service and referenced in the Internal Revenue  
9           Service's Publication 463 or a successor publication. As  
10           used in this paragraph, "Institution of higher education"  
11           means any publicly or privately operated university,  
12           college, public community college, business, technical or  
13           vocational school, military academy, or other educational  
14           institution offering degrees and instruction beyond the  
15           secondary school level.

16           Each exception listed under this subsection is mutually  
17           exclusive and independent of one another.

18           (d) A school ~~guidance~~ counselor is not in violation of  
19           this Section if he or she promptly takes reasonable action to  
20           return the gift to the prohibited source or donates the gift or  
21           an amount equal to its value to an appropriate charity that is  
22           exempt from income taxation under Section 501(c)(3) of the  
23           Internal Revenue Code of 1986.

24           A school ~~guidance~~ counselor or prohibited source who  
25           intentionally violates this Section is guilty of a business  
26           offense and is subject to a fine of at least \$1,001 and up to

1 \$5,000.

2 (Source: P.A. 102-327, eff. 1-1-22; 102-813, eff. 5-13-22.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".