



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4241

Introduced 1/16/2024, by Rep. Amy Elik, Jeff Keicher and Dan Swanson

SYNOPSIS AS INTRODUCED:

105 ILCS 5/21B-80
720 ILCS 5/11-9.6 new

Amends the Educator Licensure Article of the School Code. In provisions concerning the conviction of certain offenses as grounds for disqualification for licensure or suspension or revocation of a license, includes the sex offense of abuse by an educator or authority figure under the definition of "sex or other offense". Amends the Sex Offenses Article of Criminal Code of 2012. Provides that a person commits abuse by an educator or authority figure if that person holds a position of trust, authority, or supervision in relation to a student in a school, the student is at least 18 years of age, the person is at least 4 years older than the student, and the person either (1) commits an act of sexual conduct with the student or (2) commits an act of sexual penetration with the student. Provides that abuse by an educator or authority figure involving sexual conduct is a Class A misdemeanor for the first offense and a Class 4 felony for a second or subsequent offense or if there is more than one victim. Provides that abuse by an educator or authority figure involving sexual penetration is a Class 4 felony for the first offense and a Class 3 felony for a second or subsequent offense or if there is more than one victim. Provides that consent of the victim is not a defense to abuse by an educator or authority figure.

LRB103 35346 RJT 65410 b

1 AN ACT concerning criminal law.

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 changing Section
5 21B-80 as follows:

6 (105 ILCS 5/21B-80)

7 Sec. 21B-80. Conviction of certain offenses as grounds for
8 disqualification for licensure or suspension or revocation of
9 a license.

10 (a) As used in this Section:

11 "Drug offense" means any one or more of the following
12 offenses:

13 (1) Any offense defined in the Cannabis Control Act,
14 except those defined in subdivisions (a), (b), and (c) of
15 Section 4 and subdivisions (a) and (b) of Section 5 of the
16 Cannabis Control Act and any offense for which the holder
17 of a license is placed on probation under the provisions
18 of Section 10 of the Cannabis Control Act, provided that
19 if the terms and conditions of probation required by the
20 court are not fulfilled, the offense is not eligible for
21 this exception.

22 (2) Any offense defined in the Illinois Controlled
23 Substances Act, except any offense for which the holder of

1 a license is placed on probation under the provisions of
2 Section 410 of the Illinois Controlled Substances Act,
3 provided that if the terms and conditions of probation
4 required by the court are not fulfilled, the offense is
5 not eligible for this exception.

6 (3) Any offense defined in the Methamphetamine Control
7 and Community Protection Act, except any offense for which
8 the holder of a license is placed on probation under the
9 provision of Section 70 of that Act, provided that if the
10 terms and conditions of probation required by the court
11 are not fulfilled, the offense is not eligible for this
12 exception.

13 (4) Any attempt to commit any of the offenses listed
14 in items (1) through (3) of this definition.

15 (5) Any offense committed or attempted in any other
16 state or against the laws of the United States that, if
17 committed or attempted in this State, would have been
18 punishable as one or more of the offenses listed in items
19 (1) through (4) of this definition.

20 The changes made by Public Act 96-431 to this definition are
21 declaratory of existing law.

22 "Sentence" includes any period of supervised release or
23 probation that was imposed either alone or in combination with
24 a period of incarceration.

25 "Sex or other offense" means any one or more of the
26 following offenses:

1 (A) Any offense defined in Article 9 of the Criminal
2 Code of 1961 or the Criminal Code of 2012; Sections 11-6,
3 11-9 through 11-9.6 ~~11-9.5~~, inclusive, and 11-30 (if
4 punished as a Class 4 felony) of the Criminal Code of 1961
5 or the Criminal Code of 2012; Sections 11-14.1 through
6 11-21, inclusive, of the Criminal Code of 1961 or the
7 Criminal Code of 2012; Sections 11-23 (if punished as a
8 Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal
9 Code of 1961 or the Criminal Code of 2012; Section 10-5.1,
10 subsection (c) of Section 10-9, and Sections 11-6.6,
11 11-11, 12-3.05, 12-3.3, 12-6.4, 12-7.1, 12-34, 12-34.5,
12 and 12-35 of the Criminal Code of 2012; and Sections
13 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
14 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if
15 punished pursuant to subdivision (4) or (5) of subsection
16 (d) of Section 26-4) of the Criminal Code of 1961 or the
17 Criminal Code of 2012.

18 (B) Any attempt to commit any of the offenses listed
19 in item (A) of this definition.

20 (C) Any offense committed or attempted in any other
21 state that, if committed or attempted in this State, would
22 have been punishable as one or more of the offenses listed
23 in items (A) and (B) of this definition.

24 (b) Whenever the holder of any license issued pursuant to
25 this Article or applicant for a license to be issued pursuant
26 to this Article has been convicted of any drug offense, other

1 than as provided in subsection (c) of this Section, the State
2 Superintendent of Education shall forthwith suspend the
3 license or deny the application, whichever is applicable,
4 until 7 years following the end of the sentence for the
5 criminal offense. If the conviction is reversed and the holder
6 is acquitted of the offense in a new trial or the charges
7 against him or her are dismissed, the State Superintendent of
8 Education shall forthwith terminate the suspension of the
9 license.

10 (b-5) Whenever the holder of a license issued pursuant to
11 this Article or applicant for a license to be issued pursuant
12 to this Article has been charged with attempting to commit,
13 conspiring to commit, soliciting, or committing any sex or
14 other offense, as enumerated under item (A) of subsection (a),
15 first degree murder, or a Class X felony or any offense
16 committed or attempted in any other state or against the laws
17 of the United States that, if committed or attempted in this
18 State, would have been punishable as one or more of the
19 foregoing offenses, the State Superintendent of Education
20 shall immediately suspend the license or deny the application
21 until the person's criminal charges are adjudicated through a
22 court of competent jurisdiction. If the person is acquitted,
23 his or her license or application shall be immediately
24 reinstated.

25 (c) Whenever the holder of a license issued pursuant to
26 this Article or applicant for a license to be issued pursuant

1 to this Article has been convicted of attempting to commit,
2 conspiring to commit, soliciting, or committing any sex or
3 other offense, as enumerated under item (A) of subsection (a),
4 first degree murder, or a Class X felony or any offense
5 committed or attempted in any other state or against the laws
6 of the United States that, if committed or attempted in this
7 State, would have been punishable as one or more of the
8 foregoing offenses, the State Superintendent of Education
9 shall forthwith suspend the license or deny the application,
10 whichever is applicable. If the conviction is reversed and the
11 holder is acquitted of that offense in a new trial or the
12 charges that he or she committed that offense are dismissed,
13 the State Superintendent of Education shall forthwith
14 terminate the suspension of the license. When the conviction
15 becomes final, the State Superintendent of Education shall
16 forthwith revoke the license.

17 (Source: P.A. 101-531, eff. 8-23-19; 102-552, eff. 1-1-22.)

18 Section 10. The Criminal Code of 2012 is amended by adding
19 Section 11-9.6 as follows:

20 (720 ILCS 5/11-9.6 new)

21 Sec. 11-9.6. Abuse by an educator or authority figure.

22 (a) As used in this Section:

23 "Authority figure" means a person 18 years of age or older
24 who is not a student at a school but who is employed by,

1 volunteering at, an agent of, or under contract with the
2 school, whether directly or through a firm holding a contract
3 with the school.

4 "Educator" means a person who is employed at the same
5 school a student attends at the time of the sexual conduct or
6 the act of sexual penetration and who:

7 (1) instructs students at the school;

8 (2) administers, directs, or supervises the
9 educational instruction program or a portion of the
10 educational instruction program at the school;

11 (3) provides health or educational support services
12 directly to students at the school; or

13 (4) coaches students at the school.

14 "School" means a school district, charter school, or
15 nonpublic school.

16 (b) A person commits abuse by an educator or authority
17 figure if that person holds a position of trust, authority, or
18 supervision in relation to a student in a school, the student
19 is at least 18 years of age, the person is at least 4 years
20 older than the student, and the person either:

21 (1) commits an act of sexual conduct with the student;

22 or

23 (2) commits an act of sexual penetration with the
24 student.

25 (c) Abuse by an educator or authority figure involving
26 sexual conduct is a Class A misdemeanor for the first offense

1 and a Class 4 felony for a second or subsequent offense or if
2 there is more than one victim.

3 (d) Abuse by an educator or authority figure involving
4 sexual penetration is a Class 4 felony for the first offense
5 and a Class 3 felony for a second or subsequent offense or if
6 there is more than one victim.

7 (e) Consent of the victim is not a defense to abuse by an
8 educator or authority figure.