



Rep. Katie Stuart

Filed: 4/30/2024

10300SB3581ham001

LRB103 37914 RJT 72889 a

1 AMENDMENT TO SENATE BILL 3581

2 AMENDMENT NO. _____. Amend Senate Bill 3581 on page 1,
3 immediately below line 3, by inserting the following:

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

6 (105 ILCS 5/22-93)

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

8 (a) In this Section:

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

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

16 "Relative" means an individual related to another as

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

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

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

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

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

22 (3) A gift from a relative.

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

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

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

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

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

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

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

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

26 (8) Travel, lodging, food, and beverage costs incurred

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

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

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

23 A school ~~guidance~~ counselor or prohibited source who
24 intentionally violates this Section is guilty of a business
25 offense and is subject to a fine of at least \$1,001 and up to
26 \$5,000.

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

2 and

3 on page 1, line 4, by replacing "Section 5" with "Section 10";

4 and

5 on page 12, immediately below line 18, by inserting the
6 following:

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