

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-5-9 as follows:

6 (65 ILCS 5/11-5-9)

7 Sec. 11-5-9. Truants. The corporate authorities of any
8 municipality may adopt ordinances to regulate truants within
9 its jurisdiction. These ordinances may include a graduated fine
10 schedule for repeat violations, which may not exceed \$100, or
11 community service, or both, for violators 13 ~~10~~ years of age or
12 older and may provide for enforcement by citation or through
13 administrative hearings as determined by ordinance. If the
14 violator is under 13 ~~10~~ years of age, the parent or custodian
15 of the violator is subject to the fine or community service, or
16 both. As used in this Section, "truants" means persons who are
17 within the definition of "truant" in Section 26-2a of the
18 School Code. Local officials or authorities that enforce,
19 prosecute, or adjudicate municipal ordinances adopted under
20 this Section or that work with school districts to address
21 truancy problems are designated as (i) part of the juvenile
22 justice system, established by the Juvenile Court Act of 1987,
23 and (ii) "juvenile authorities" within the definition set forth

1 in subsection (a)(6.5) of Section 10-6 of the Illinois School
2 Student Record Act. Because truancy is a gateway to crime and
3 one of the most powerful predictors of juvenile delinquent
4 behavior, a school district may disclose education records
5 relating to attendance to juvenile authorities if the school
6 district determines that the disclosure will enhance the
7 juvenile justice system's ability to effectively serve, prior
8 to adjudication, the student whose records are released.
9 Enforcement of a municipal ordinance adopted under this Section
10 is pre-adjudicatory because it helps minors avoid adjudicatory
11 hearings under the Juvenile Court Act of 1987. A school
12 district may make a disclosure authorized under this Section
13 only if the juvenile authority certifies in writing to the
14 school district that the information will not be disclosed,
15 without prior written consent of the parent or custodian of the
16 student, to any other individual or entity, except as otherwise
17 provided under State law. A home rule unit may not regulate
18 truants in a manner inconsistent with the provisions of this
19 Section. This Section is a limitation under subsection (i) of
20 Section 6 of Article VII of the Illinois Constitution on the
21 concurrent exercise by home rule units of the powers and
22 functions exercised by the State.

23 (Source: P.A. 94-1011, eff. 7-7-06.)