



Sen. Don Harmon

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09600HB5132sam002

LRB096 18641 KTG 40791 a

1 AMENDMENT TO HOUSE BILL 5132

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5132, AS AMENDED,  
3 with reference to page and line numbers of Senate Amendment No.  
4 1 as follows:

5 on page 2, by replacing lines 3 through 5 with the following:  
6 "facilities, and community agencies operated, licensed, funded  
7 or certified by the Department of Human Services, but not  
8 licensed or certified by any other State agency. It is also  
9 the"; and

10 on page 2, by inserting immediately below line 12 the  
11 following:

12 "Adult student with a disability" means an adult student,  
13 age 18 through 21, inclusive, with an Individual Education  
14 Program, other than a resident of a facility licensed by the  
15 Department of Children and Family Services in accordance with  
16 the Child Care Act of 1969. For purposes of this definition,

1 "through age 21, inclusive", means through the day before the  
2 student's 22nd birthday."; and

3 on page 2, by replacing lines 14 through 15 with the following:  
4 "licensed, funded, or certified by the Department, but not  
5 licensed or certified by any other human services agency of  
6 the"; and

7 on page 2, by replacing line 18 with the following:  
8 "certified by the Department, but not licensed or certified";  
9 and

10 on page 4, by replacing lines 7 through 8 with the following:  
11 "operated by the Department."; and

12 on page 7, by replacing lines 15 through 16 with the following:  
13 "exploitation."; and

14 on page 8, by replacing lines 6 through 9 with the following:  
15 "(f) Limitations. The Inspector General shall not conduct  
16 an investigation within an agency or facility if that  
17 investigation would be redundant to or interfere with an  
18 investigation conducted by another State agency. The  
19 Inspector"; and

20 on page 8, by replacing lines 21 through 26 with the following:

1 "and completing investigations based upon the nature of the  
2 allegation or allegations. The rules shall clearly establish  
3 that if 2 or more State agencies could investigate an  
4 allegation, the Inspector General shall not conduct an  
5 investigation that would be redundant to, or interfere with, an  
6 investigation conducted by another State agency. The rules";  
7 and

8 on page 12, by replacing lines 19 through 26 with the  
9 following:

10 "(1) Reporting to law enforcement.

11 (1) Reporting criminal acts. Within 24 hours after  
12 determining that there is credible evidence indicating  
13 that a criminal act may have been committed or that special  
14 expertise may be required in an investigation, the  
15 Inspector General shall notify the Department of State  
16 Police or other appropriate law enforcement authority, or  
17 ensure that such notification is made. The Department of  
18 State Police shall investigate any report from a  
19 State-operated facility indicating a possible murder,  
20 sexual assault, or other felony by an employee. All  
21 investigations conducted by the Inspector General shall be  
22 conducted in a manner designed to ensure the preservation  
23 of evidence for possible use in a criminal prosecution.

24 (2) Reporting allegations of adult students with  
25 disabilities. Upon receipt of a reportable allegation

1 regarding an adult student with a disability, the  
2 Department's Office of the Inspector General shall  
3 determine whether the allegation meets the criteria for the  
4 Domestic Abuse Program under the Abuse of Adults with  
5 Disabilities Intervention Act. If the allegation is  
6 reportable to that program, the Office of the Inspector  
7 General shall initiate an investigation. If the allegation  
8 is not reportable to the Domestic Abuse Program, the Office  
9 of the Inspector General shall make an expeditious referral  
10 to the respective law enforcement entity. If the alleged  
11 victim is already receiving services from the Department,  
12 the Office of the Inspector General shall also make a  
13 referral to the respective Department of Human Services'  
14 Division or Bureau."; and

15 on page 13, by deleting lines 1 through 5; and

16 on page 15, by replacing lines 7 through 12 with the following:  
17 "investigation to the following persons: (i) the Governor, (ii)  
18 the Secretary, (iii) the director of the facility or agency,  
19 (iv) the alleged victims and their guardians, (v) the  
20 complainant, and (vi) the accused."; and

21 on page 16, line 3, by deleting "and the licensing entity of  
22 the facility, if any,"; and

1 on page 17, by replacing lines 1 through 6 with the following:

2 "(4) Termination of any one or more of the following:

3 (i) Department licensing, (ii) funding, or (iii)  
4 certification."; and

5 on page 24, by deleting lines 2 through 26; and

6 by deleting pages 25 through 29; and

7 on page 30, by deleting lines 1 through 22; and

8 on page 31, by replacing lines 12 through 14 with the  
9 following:

10 "facilities, and community agencies operated, licensed, funded  
11 or certified by the Department of Human Services, but not  
12 licensed or certified by any other State agency. It is also  
13 the"; and

14 on page 31, by inserting immediately below line 21 the  
15 following:

16 "Adult student with a disability" means an adult student,  
17 age 18 through 21, inclusive, with an Individual Education  
18 Program, other than a resident of a facility licensed by the  
19 Department of Children and Family Services in accordance with  
20 the Child Care Act of 1969. For purposes of this definition,  
21 "through age 21, inclusive", means through the day before the

1 student's 22nd birthday."; and

2 on page 31, by replacing lines 23 through 24 with the  
3 following:

4 "licensed, funded, or certified by the Department, but not  
5 licensed or certified by any other human services agency of  
6 the"; and

7 on page 32, by replacing line 1 with the following:

8 "certified by the Department, but not licensed or certified";  
9 and

10 on page 33, by replacing lines 16 through 17 with the  
11 following:

12 "operated by the Department."; and

13 on page 36, by replacing lines 24 through 25 with the  
14 following:

15 "exploitation."; and

16 on page 37, by replacing lines 15 through 18 with the  
17 following:

18 "(f) Limitations. The Inspector General shall not conduct  
19 an investigation within an agency or facility if that  
20 investigation would be redundant to or interfere with an  
21 investigation conducted by another State agency. The

1 Inspector"; and

2 on page 38, by replacing lines 4 through 9 with the following:

3 "and completing investigations based upon the nature of the  
4 allegation or allegations. The rules shall clearly establish  
5 that if 2 or more State agencies could investigate an  
6 allegation, the Inspector General shall not conduct an  
7 investigation that would be redundant to, or interfere with, an  
8 investigation conducted by another State agency. The rules";  
9 and

10 on page 42, by replacing lines 2 through 14 with the following:

11 "(1) Reporting to law enforcement.

12 (1) Reporting criminal acts. Within 24 hours after  
13 determining that there is credible evidence indicating  
14 that a criminal act may have been committed or that special  
15 expertise may be required in an investigation, the  
16 Inspector General shall notify the Department of State  
17 Police or other appropriate law enforcement authority, or  
18 ensure that such notification is made. The Department of  
19 State Police shall investigate any report from a  
20 State-operated facility indicating a possible murder,  
21 sexual assault, or other felony by an employee. All  
22 investigations conducted by the Inspector General shall be  
23 conducted in a manner designed to ensure the preservation  
24 of evidence for possible use in a criminal prosecution.

1           (2) Reporting allegations of adult students with  
2           disabilities. Upon receipt of a reportable allegation  
3           regarding an adult student with a disability, the  
4           Department's Office of the Inspector General shall  
5           determine whether the allegation meets the criteria for the  
6           Domestic Abuse Program under the Abuse of Adults with  
7           Disabilities Intervention Act. If the allegation is  
8           reportable to that program, the Office of the Inspector  
9           General shall initiate an investigation. If the allegation  
10           is not reportable to the Domestic Abuse Program, the Office  
11           of the Inspector General shall make an expeditious referral  
12           to the respective law enforcement entity. If the alleged  
13           victim is already receiving services from the Department,  
14           the Office of the Inspector General shall also make a  
15           referral to the respective Department of Human Services'  
16           Division or Bureau."; and

17       on page 44, by replacing lines 16 through 21 with the  
18       following:

19       "investigation to the following persons: (i) the Governor, (ii)  
20       the Secretary, (iii) the director of the facility or agency,  
21       (iv) the alleged victims and their guardians, (v) the  
22       complainant, and (vi) the accused."; and

23       on page 45, line 12, by deleting "and the licensing entity of  
24       the facility, if any,"; and



1 on page 46, by replacing lines 10 through 15 with the  
2 following:

3 "(4) Termination of any one or more of the following:  
4 (i) Department licensing, (ii) funding, or (iii)  
5 certification."; and

6 on page 53, by deleting lines 12 through 26; and

7 by deleting pages 54 through 59; and

8 on page 60, by deleting lines 1 through 6 and lines 9 through  
9 24; and

10 by deleting page 61; and

11 on page 62, by deleting lines 1 through 24; and

12 on page 62, line 25, by replacing "Section 15." with "Section  
13 10."; and

14 on page 76, line 16, by replacing "a ward of the Department,"  
15 with "residing in a DCFS licensed facility,".