



Rep. John E. Bradley

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09600HB6390ham001

LRB096 21028 NHT 38373 a

1 AMENDMENT TO HOUSE BILL 6390

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 6390 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 21-23a as follows:

6 (105 ILCS 5/21-23a) (from Ch. 122, par. 21-23a)

7 Sec. 21-23a. Conviction of certain offenses as grounds for  
8 revocation of certificate.

9 (a) Whenever the holder of any certificate issued pursuant  
10 to this Article has been convicted of (i) any sex offense or  
11 narcotics offense as defined in this Section or (ii) the  
12 offense of endangering the life or health of a child, as  
13 defined in Section 12-21.6 of the Criminal Code of 1961, if  
14 baby shaking was the proximate cause of death or any offense  
15 committed in any other state that, if committed in this State,  
16 would have been punishable as the offense of endangering the

1 life or health of a child, as defined in Section 12-21.6 of the  
2 Criminal Code of 1961, if baby shaking was the proximate cause  
3 of death, the State Superintendent of Education shall forthwith  
4 suspend the certificate. If the conviction is reversed and the  
5 holder is acquitted of the offense in a new trial or the  
6 charges against him are dismissed, the suspending authority  
7 shall forthwith terminate the suspension of the certificate.  
8 When the conviction becomes final, the State Superintendent of  
9 Education shall forthwith revoke the certificate. "Sex  
10 offense" as used in this Section means any one or more of the  
11 following offenses: (1) any offense defined in Sections 11-6  
12 and 11-9 through 11-9.5, inclusive, Sections 11-14 through  
13 11-21, inclusive, Sections 11-23 (if punished as a Class 3  
14 felony), 11-24, 11-25, and 11-26, and Sections 12-4.9, 12-13,  
15 12-14, 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal  
16 Code of 1961; (2) any attempt to commit any of the foregoing  
17 offenses, and (3) any offense committed or attempted in any  
18 other state which, if committed or attempted in this State,  
19 would have been punishable as one or more of the foregoing  
20 offenses. "Narcotics offense" as used in this Section means any  
21 one or more of the following offenses: (1) any offense defined  
22 in the Cannabis Control Act, except those defined in Sections  
23 4(a), 4(b) and 5(a) of that Act and any offense for which the  
24 holder of any certificate is placed on probation under the  
25 provisions of Section 10 of that Act, provided that if the  
26 terms and conditions of probation required by the court are not

1 fulfilled, the offense is not eligible for this exception; (2)  
2 any offense defined in the Illinois Controlled Substances Act,  
3 except any offense for which the holder of any certificate is  
4 placed on probation under the provisions of Section 410 of that  
5 Act, provided that if the terms and conditions of probation  
6 required by the court are not fulfilled, the offense is not  
7 eligible for this exception; (3) any offense defined in the  
8 Methamphetamine Control and Community Protection Act, except  
9 any offense for which the holder of any certificate is placed  
10 on probation under the provision of Section 70 of that Act,  
11 provided that if the terms and conditions of probation required  
12 by the court are not fulfilled, the offense is not eligible for  
13 this exception; (4) any attempt to commit any of the foregoing  
14 offenses; and (5) any offense committed or attempted in any  
15 other state or against the laws of the United States which, if  
16 committed or attempted in this State, would have been  
17 punishable as one or more of the foregoing offenses. The  
18 changes made by this amendatory Act of the 96th General  
19 Assembly to the definition of "narcotics offense" in this  
20 subsection (a) are declaratory of existing law.

21 (b) Whenever the holder of a certificate issued pursuant to  
22 this Article has been convicted of first degree murder,  
23 attempted first degree murder, conspiracy to commit first  
24 degree murder, attempted conspiracy to commit first degree  
25 murder, involuntary manslaughter in which the death of the  
26 victim was proximately caused by baby shaking, or a Class X

1 felony or any offense committed or attempted in any other state  
2 or against the laws of the United States that, if committed or  
3 attempted in this State, would have been punishable as one or  
4 more of the foregoing offenses, the State Superintendent of  
5 Education shall forthwith suspend the certificate. If the  
6 conviction is reversed and the holder is acquitted of that  
7 offense in a new trial or the charges that he or she committed  
8 that offense are dismissed, the State Superintendent of  
9 Education shall forthwith terminate the suspension of the  
10 certificate. When the conviction becomes final, the State  
11 Superintendent of Education shall forthwith revoke the  
12 certificate.

13 (Source: P.A. 96-431, eff. 8-13-09.)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law."