



Sen. William R. Haine

Filed: 3/1/2010

09600SB3376sam001

LRB096 17730 NHT 37955 a

1 AMENDMENT TO SENATE BILL 3376

2 AMENDMENT NO. _____. Amend Senate Bill 3376 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 any sex offense or
11 narcotics offense as defined in this Section, the State
12 Superintendent of Education shall forthwith suspend the
13 certificate. If the conviction is reversed and the holder is
14 acquitted of the offense in a new trial or the charges against
15 him are dismissed, the suspending authority shall forthwith
16 terminate the suspension of the certificate. When the

1 conviction becomes final, the State Superintendent of
2 Education shall forthwith revoke the certificate.

3 "Sex offense" as used in this Section means any one or more
4 of the following offenses: (1) any offense defined in Sections
5 11-6 and 11-9 through 11-9.5, inclusive, Sections 11-14 through
6 11-21, inclusive, Sections 11-23 (if punished as a Class 3
7 felony), 11-24, 11-25, and 11-26, and Sections 12-4.9, 12-13,
8 12-14, 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal
9 Code of 1961; (2) any attempt to commit any of the foregoing
10 offenses, and (3) any offense committed or attempted in any
11 other state which, if committed or attempted in this State,
12 would have been punishable as one or more of the foregoing
13 offenses.

14 "Narcotics offense" as used in this Section means any one
15 or more of the following offenses: (1) any offense defined in
16 the Cannabis Control Act, except those defined in Sections
17 4(a), 4(b) and 5(a) of that Act and any offense for which the
18 holder of any certificate is placed on probation under the
19 provisions of Section 10 of that Act and fulfills the terms and
20 conditions of probation as required by the court, ~~provided that~~
21 ~~if the terms and conditions of probation required by the court~~
22 ~~are not fulfilled, the offense is not eligible for this~~
23 ~~exception;~~ (2) any offense defined in the Illinois Controlled
24 Substances Act, except any offense for which the holder of any
25 certificate is placed on probation under the provisions of
26 Section 410 of that Act and fulfills the terms and conditions

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

19 (b) Whenever the holder of a certificate issued pursuant to
20 this Article has been convicted of first degree murder,
21 attempted first degree murder, conspiracy to commit first
22 degree murder, attempted conspiracy to commit first degree
23 murder, or a Class X felony or any offense committed or
24 attempted in any other state or against the laws of the United
25 States that, if committed or attempted in this State, would
26 have been punishable as one or more of the foregoing offenses,

1 the State Superintendent of Education shall forthwith suspend
2 the certificate. If the conviction is reversed and the holder
3 is acquitted of that offense in a new trial or the charges that
4 he or she committed that offense are dismissed, the State
5 Superintendent of Education shall forthwith terminate the
6 suspension of the certificate. When the conviction becomes
7 final, the State Superintendent of Education shall forthwith
8 revoke the certificate.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."