



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3415

Introduced 2/7/2012, by Sen. Susan Garrett

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.7 from Ch. 122, par. 10-21.7
105 ILCS 5/10-27.1A
105 ILCS 5/10-27.1B
105 ILCS 5/22-66 new
105 ILCS 5/34-8.05

Amends the School Code. Makes changes to the provisions concerning attacks on school personnel and firearms in schools regarding the types and locations of incidents to be reported, respectively, and the reporting procedures. Makes changes to a provision concerning reporting drug-related incidents in schools regarding the reporting procedures. Provides that all school officials, including teachers, guidance counselors, and support staff, shall immediately notify the office of the principal in the event that they observe any person who is a student in grade 6 through 12 or any person not a student commit certain specified offenses. Provides that upon receiving a report from any school official or from any other person, the principal or his or her designee shall immediately notify a local law enforcement agency and require a report to be completed. Sets forth provisions concerning the law enforcement agency's actions if the person found to have committed the offense is a minor. Makes changes to the provision concerning reporting firearms in schools in the Chicago School District Article. Makes other changes. Effective August 1, 2012.

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CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 10-21.7, 10-27.1A, 10-27.1B, and 34-8.05 and by adding Section
6 22-66 as follows:

7 (105 ILCS 5/10-21.7) (from Ch. 122, par. 10-21.7)

8 Sec. 10-21.7. Attacks on school personnel.

9 (a) In the Section, "school" means any public or private
10 elementary or secondary school.

11 (b) Upon receipt of a written complaint from any school
12 personnel, the superintendent or his or her designee, or other
13 appropriate administrative officer for a private school, shall
14 report all incidents of assault, battery, criminal sexual
15 assault, aggravated criminal sexual assault, criminal sexual
16 abuse, or aggravated criminal sexual abuse committed against
17 teachers, teacher personnel, administrative personnel or
18 educational support personnel to the local law enforcement
19 authorities immediately after the occurrence of the attack. The
20 local law enforcement agency shall report the incident ~~and~~ to
21 the Department of State Police's Illinois Uniform Crime
22 Reporting Program in a form, manner, and frequency as
23 prescribed by the Department of State Police ~~no later than 3~~

1 ~~days after the occurrence of the attack.~~ The State Board of
2 Education shall receive ~~monthly as well as~~ annual statistical
3 compilations of attacks on school personnel from the Department
4 of State Police through the Illinois Uniform Crime Reporting
5 Program. The State Board of Education shall compile this
6 information by school district and make it available to the
7 public.

8 (Source: P.A. 91-491, eff. 8-13-99.)

9 (105 ILCS 5/10-27.1A)

10 Sec. 10-27.1A. Reporting firearms ~~Firearms~~ in schools.

11 (a) All school officials, including teachers, guidance
12 counselors, and support staff, shall immediately notify the
13 office of the principal in the event that they observe any
14 person in possession of a firearm on school grounds or on
15 school owned or leased property, including any conveyance
16 owned, leased, or used by the school for the transport of
17 students or school personnel; provided that taking such
18 immediate action to notify the office of the principal would
19 not immediately endanger the health, safety, or welfare of
20 students who are under the direct supervision of the school
21 official or the school official. If the health, safety, or
22 welfare of students under the direct supervision of the school
23 official or of the school official is immediately endangered,
24 the school official shall notify the office of the principal as
25 soon as the students under his or her supervision and he or she

1 are no longer under immediate danger. A report is not required
2 by this Section when the school official knows that the person
3 in possession of the firearm is a law enforcement official
4 engaged in the conduct of his or her official duties. Any
5 school official acting in good faith who makes such a report
6 under this Section shall have immunity from any civil or
7 criminal liability that might otherwise be incurred as a result
8 of making the report. The identity of the school official
9 making such report shall not be disclosed except as expressly
10 and specifically authorized by law. Knowingly and willfully
11 failing to comply with this Section is a petty offense. A
12 second or subsequent offense is a Class C misdemeanor.

13 (b) Upon receiving a report from any school official
14 pursuant to this Section, or from any other person, the
15 principal or his or her designee shall immediately notify a
16 local law enforcement agency and require a police report to be
17 completed. If the person found to be in possession of a firearm
18 on school grounds is a student, then the law enforcement agency
19 shall notify the student's parent or guardian pursuant to the
20 Juvenile Court Act of 1987 ~~the principal or his or her designee~~
21 ~~shall also immediately notify that student's parent or~~
22 ~~guardian~~. Any principal or his or her designee acting in good
23 faith who makes such reports under this Section shall have
24 immunity from any civil or criminal liability that might
25 otherwise be incurred or imposed as a result of making the
26 reports. Knowingly and willfully failing to comply with this

1 Section is a petty offense. A second or subsequent offense is a
2 Class C misdemeanor. If the person found to be in possession of
3 the firearm on school grounds is a minor, the law enforcement
4 agency shall detain that minor until such time as the agency
5 makes a determination pursuant to clause (a) of subsection (1)
6 of Section 5-401 of the Juvenile Court Act of 1987, as to
7 whether the agency reasonably believes that the minor is
8 delinquent. If the law enforcement agency determines that
9 probable cause exists to believe that the minor committed a
10 violation of item (4) of subsection (a) of Section 24-1 of the
11 Criminal Code of 1961 while on school grounds, the agency shall
12 detain the minor for processing pursuant to Section 5-407 of
13 the Juvenile Court Act of 1987.

14 (c) On or after January 1, 1997, upon receipt of any
15 written, electronic, or verbal report from any school personnel
16 regarding a verified incident involving a firearm in a school
17 or on school owned or leased property, including any conveyance
18 owned, leased, or used by the school for the transport of
19 students or school personnel, the superintendent or his or her
20 designee, or other appropriate administrative officer for a
21 private school, shall report all such firearm-related
22 incidents occurring in a school or on school property to the
23 local law enforcement authorities immediately and require a
24 police report to be completed. The local law enforcement agency
25 shall report the incident to the Department of State Police's
26 Illinois Uniform Crime Reporting Program ~~Police~~ in a form,

1 manner, and frequency as prescribed by the Department of State
2 Police.

3 The State Board of Education shall receive an annual
4 statistical compilation and related data associated with
5 incidents involving firearms in schools from the Department of
6 State Police. The State Board of Education shall ~~compile this~~
7 ~~information by school district and~~ make this information ~~it~~
8 available to the public.

9 (d) As used in this Section, the term "firearm" shall have
10 the meaning ascribed to it in Section 1.1 of the Firearm Owners
11 Identification Card Act.

12 As used in this Section, the term "school" means any public
13 or private elementary or secondary school.

14 As used in this Section, the term "school grounds" includes
15 the real property comprising any school, any conveyance owned,
16 leased, or contracted by a school to transport students to or
17 from school or a school-related activity, or any public way
18 within 1,000 feet of the real property comprising any school.

19 (Source: P.A. 91-11, eff. 6-4-99; 91-491, eff. 8-13-99.)

20 (105 ILCS 5/10-27.1B)

21 Sec. 10-27.1B. Reporting drug-related incidents in
22 schools.

23 (a) In this Section:

24 "Drug" means "cannabis" as defined under subsection (a) of
25 Section 3 of the Cannabis Control Act, "narcotic drug" as

1 defined under subsection (aa) of Section 102 of the Illinois
2 Controlled Substances Act, or "methamphetamine" as defined
3 under Section 10 of the Methamphetamine Control and Community
4 Protection Act.

5 "School" means any public or private elementary or
6 secondary school.

7 (b) Upon receipt of any written, electronic, or verbal
8 report from any school personnel regarding a verified incident
9 involving drugs in a school or on school owned or leased
10 property, including any conveyance owned, leased, or used by
11 the school for the transport of students or school personnel,
12 the superintendent or his or her designee, or other appropriate
13 administrative officer for a private school, shall report all
14 such drug-related incidents occurring in a school or on school
15 property to the local law enforcement authorities immediately
16 and require a police report to be completed. The local law
17 enforcement agency shall report the incident to the Department
18 of State Police's Illinois Uniform Crime Reporting Program
19 ~~Police~~ in a form, manner, and frequency as prescribed by the
20 Department of State Police.

21 (c) The State Board of Education shall receive an annual
22 statistical compilation and related data associated with
23 drug-related incidents in schools from the Department of State
24 Police. The State Board of Education shall compile this
25 information by school district and make it available to the
26 public.

1 (Source: P.A. 94-556, eff. 9-11-05.)

2 (105 ILCS 5/22-66 new)

3 Sec. 22-66. Certain criminal offenses to be reported.

4 (a) All school officials, including teachers, guidance
5 counselors, and support staff, shall immediately notify the
6 office of the principal in the event that they observe any
7 person who is a student in grade 6 through 12 or any person not
8 a student commit an assault, a battery, a criminal sexual
9 assault, an aggravated criminal sexual assault, a predatory
10 criminal sexual assault of a child, criminal sexual abuse, or
11 aggravated criminal sexual abuse on school grounds or on school
12 owned or leased property, including any conveyance owned,
13 leased, or used by the school for the transport of students.
14 Incidents involving great bodily harm shall be reported
15 involving students in all grades. Any school official acting in
16 good faith who makes a report under this Section shall have
17 immunity from any civil or criminal liability that might
18 otherwise be incurred as a result of making the report. The
19 identity of the school official making the report shall not be
20 disclosed except as expressly and specifically authorized by
21 law. Knowingly and willfully failing to comply with this
22 subsection (a) is a petty offense. A second or subsequent
23 offense is a Class C misdemeanor.

24 (b) Upon receiving a report from any school official
25 pursuant to this Section or from any other person, the

1 principal or his or her designee shall immediately notify a
2 local law enforcement agency and require a report to be
3 completed. The local law enforcement agency shall report the
4 incident to the Department of State Police's Illinois Uniform
5 Crime Reporting Program in a form, manner, and frequency as
6 prescribed by the Department of State Police's. Any principal
7 or his or her designee acting in good faith who makes a report
8 under this Section shall have immunity from any civil or
9 criminal liability that might otherwise be incurred or imposed
10 as a result of making the report. Knowingly and willfully
11 failing to comply with this subsection (b) is a petty offense.
12 A second or subsequent offense is a Class C misdemeanor.

13 (c) If the person found to have committed an offense
14 specified under subsection (a) of this Section is a minor, then
15 the law enforcement agency shall detain that minor until such
16 time as the agency makes a determination pursuant to clause (a)
17 of subsection (1) of Section 5-401 of the Juvenile Court Act of
18 1987 as to whether the agency reasonably believes that the
19 minor is delinquent. If the law enforcement agency determines
20 that probable cause exists to believe that the minor committed
21 a violation of Section 12-1, 12-2, 12-3, or 12-3.05 of the
22 Criminal Code of 1961 while on school grounds or on school
23 owned or leased property, including any conveyance owned,
24 leased, or used by the school for the transport of students,
25 then the agency shall detain the minor for processing pursuant
26 to Section 5-407 of the Juvenile Court Act of 1987.

1 (d) The State Board of Education shall receive an annual
2 statistical compilation and related data associated with
3 incidents in schools from the Department of State Police. The
4 State Board of Education shall compile this information by
5 school district and make it available to the public.

6 (105 ILCS 5/34-8.05)

7 Sec. 34-8.05. Reporting firearms in schools.

8 (a) On or after January 1, 1997, upon receipt of any
9 written, electronic, or verbal report from any school personnel
10 regarding a verified incident involving a firearm in a school
11 or on school owned or leased property, including any conveyance
12 owned, leased, or used by the school for the transport of
13 students or school personnel, the general superintendent of
14 schools or chief executive officer or his or her designee shall
15 report all such firearm-related incidents occurring in a school
16 or on school property to the local law enforcement authorities
17 immediately no later than 24 hours after the occurrence of the
18 incident and require a police report to be completed. The local
19 law enforcement agency shall report the incident to the
20 Department of State Police's Illinois Uniform Crime Reporting
21 Program Police in a form, manner, and frequency as prescribed
22 by the Department of State Police.

23 (b) Any school official acting in good faith who makes a
24 report under this Section shall have immunity from any civil or
25 criminal liability that might otherwise be incurred or imposed

1 as a result of making the report. Knowingly and willfully
2 failing to comply with this Section is a petty offense. A
3 second or subsequent offense is a Class C misdemeanor.

4 (c) If the person found to be in possession of the firearm
5 on school grounds is a minor, then the law enforcement agency
6 shall detain that minor until such time as the agency makes a
7 determination pursuant to clause (a) of subsection (1) of
8 Section 5-401 of the Juvenile Court Act of 1987 as to whether
9 the agency reasonably believes that the minor is delinquent. If
10 the person found to be in possession of a firearm is a minor,
11 then the law enforcement agency shall notify the minor's parent
12 or guardian pursuant to the Juvenile Court Act of 1987. If the
13 law enforcement agency determines that probable cause exists to
14 believe that the minor committed a violation of item (4) of
15 subsection (a) of Section 24-1 of the Criminal Code of 1961
16 while on school grounds, the agency shall detain the minor for
17 processing and shall notify the minor's parent or guardian
18 pursuant to the Juvenile Court Act of 1987.

19 (d) The State Board of Education shall receive an annual
20 statistical compilation and related data associated with
21 incidents involving firearms in schools from the Department of
22 State Police. As used in this Section, the term "firearm" shall
23 have the meaning ascribed to it in Section 1.1 of the Firearm
24 Owners Identification Card Act.

25 (Source: P.A. 89-498, eff. 6-27-96.)

26 Section 99. Effective date. This Act takes effect August 1,

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1 2012.