



Rep. Emanuel Chris Welch

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09900HB1458ham002

LRB099 04271 SXM 34165 a

1 AMENDMENT TO HOUSE BILL 1458

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1458, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The School Code is amended by adding Section  
6 22-80 as follows:

7 (105 ILCS 5/22-80 new)

8 Sec. 22-80. Student Bill of Rights.

9 (a) It is the policy of this State to eliminate the  
10 criminalization of minor instances of student misconduct in  
11 schools, to prevent police questioning and police presence  
12 during questioning of students in schools without prior  
13 explanation to the students of their right to refuse to answer  
14 questions, and to provide parents with reasonable  
15 opportunities to be present during police questioning and  
16 police presence during questioning of students in schools. It

1 is also the policy of this State that providing the rights  
2 specified in this Section to individual students be balanced  
3 with the need for schools to maintain the safety of all  
4 students.

5 (b) In this Section:

6 "Emergency situation" means action by a student that  
7 poses a substantial risk of imminent harm to the student or  
8 to other persons or to property.

9 "Notification" means a reasonable attempt to contact a  
10 person through at least 2 methods.

11 "Police officer" means any sworn police officer,  
12 including a sworn officer known as a school resource  
13 officer or known by any other term for a sworn officer  
14 assigned to a school. "Police officer" does not include a  
15 sworn officer known as a school resource officer or known  
16 by any other term for a sworn officer assigned to a school  
17 who is investigating only a violation of a school rule or  
18 school district policy or who is acting in furtherance of  
19 the school's attempt to maintain a proper educational  
20 environment, provided that this exception no longer  
21 applies if the police officer, at any time, reasonably  
22 believes the subject matter that the student is being  
23 questioned about may also constitute an offense for which  
24 that student may be held criminally liable.

25 "Presence of a police officer" means any situation in  
26 which a police officer is in the physical presence of a

1       student or when a police officer can, by any means, see a  
2       student or hear a statement made by a student.

3       "School" means a public school and property owned,  
4       leased, or controlled by the school, including  
5       transportation vehicles.

6       "Student" means a public school student who is  
7       reasonably believed to have violated a school district  
8       policy or a school rule or to have committed an offense for  
9       which the student may be criminally liable.

10       (c) Prior to being asked any question or being requested to  
11       make any statement while in the presence of a police officer, a  
12       student must be informed of the right not to answer any  
13       question or to make any statement in the presence of a police  
14       officer.

15       (d) Prior to being asked any question or being requested to  
16       make any statement while in the presence of a police officer, a  
17       student must be informed that a parent, a guardian, or an  
18       attorney has the right to be present during such questioning or  
19       request for a statement.

20       (e) Prior to being asked any question or being requested to  
21       make any statement while in the presence of a police officer, a  
22       student must be informed that any information given in the  
23       presence of a police officer may result in an arrest and in the  
24       issuing of a summons and may be used in criminal prosecution.

25       (f) Prior to the presence of a police officer during the  
26       questioning of a student or of a request for a statement, the

1 school principal or designee shall approve the presence of the  
2 police officer during the questioning of or while making a  
3 request for any statement from the student.

4 (g) Except for emergency situations, a police officer may  
5 not question a student or ask for the student to provide a  
6 statement until (i) the student's parent or guardian receives  
7 notification of the opportunity to be present during such  
8 questioning or request for a statement and (ii) a period of at  
9 least 24 hours has passed since such notification or attempted  
10 notification to the student's parent or guardian. Notification  
11 is not required if the student is 18 years of age or older or is  
12 an emancipated minor.

13 Section 99. Effective date. This Act takes effect July 1,  
14 2015.".