



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB4527**

Introduced 1/31/2024, by Rep. Joyce Mason - Amy Elik

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-9.2-3 new

Amends the Criminal Code of 2012. Creates the offense of sexual misconduct with a student. Provides that a person commits sexual misconduct with a student when he or she is or was an employee of a school and commits sexual misconduct with a student who, at the time the employee was employed by the school, attended the school. Provides that the consent of the student is not a defense to a prosecution under this provision. Provides that a student is deemed incapable of consent, for purposes of this provision, when he or she is a student who attended the school while the employee was employed at the school. Provides that it is not a defense to a violation of this provision that the student was of the age to give consent to sexual penetration or sexual conduct in circumstances not involving a violation of this provision. Provides that a person convicted of violating this provision shall immediately forfeit his or her employment with a school and may not subsequently be employed at a school. Provides that a violation is a Class 3 felony. Provides exemptions. Defines "school" as a public or private elementary or secondary school or a school that operates grades kindergarten through 12. Defines "sexual misconduct" as any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee or agent of the school district, charter school, or nonpublic school with direct contact with a student that is directed toward or with a student to establish a romantic or sexual relationship with the student. Defines other terms.

LRB103 36178 RLC 66597 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by adding  
5 Section 11-9.2-3 as follows:

6 (720 ILCS 5/11-9.2-3 new)

7 Sec. 11-9.2-3. Sexual misconduct with a student.

8 (a) In this Section:

9 "Employee" means a person employed by a school.

10 "School" means a public or private elementary or secondary  
11 school or a school that operates grades kindergarten through  
12 12.

13 "Sexual misconduct" has the meaning ascribed to it in  
14 subsection (c) of Section 22-85.5 of the School Code.

15 "Student" means a person who attended the school at the  
16 time the employee was employed by the school regardless of the  
17 age of the student at the time of the commission of the  
18 offense.

19 (b) A person commits sexual misconduct with a student when  
20 he or she is or was an employee of a school and commits sexual  
21 misconduct with a student who, at the time the employee was  
22 employed by the school, attended the school.

23 (c) Except as otherwise provided in subsection (f), the

1 consent of the student is not a defense to a prosecution under  
2 this Section. Except as otherwise provided in subsection (f),  
3 a student is deemed incapable of consent, for purposes of this  
4 Section, when he or she is a student who attended the school  
5 while the employee was employed at the school.

6 (d) It is not a defense to a prosecution under this Section  
7 that the student was of the age to give consent to sexual  
8 penetration or sexual conduct as defined in Section 11-0.1 in  
9 circumstances not involving a violation of this Section.

10 (e) Any person convicted of violating this Section shall  
11 immediately forfeit his or her employment with a school and  
12 may not subsequently be employed at a school.

13 (f) This Section does not apply to:

14 (1) any employee who is lawfully married to the  
15 student if the marriage occurred before the date of the  
16 student's attendance at the school; or

17 (2) except as otherwise provided in paragraph (1), any  
18 employee who has no knowledge, and would have no reason to  
19 believe, that the person with whom he or she engaged in  
20 sexual misconduct was a student at the school in which the  
21 employee was employed.

22 (g) Sentence. Sexual misconduct with a student is a Class  
23 3 felony.