



Rep. Charles E. Jefferson

Filed: 5/6/2008

09500HB2310ham001

LRB095 01487 RLJ 50167 a

1 AMENDMENT TO HOUSE BILL 2310

2 AMENDMENT NO. _____. Amend House Bill 2310 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Section 11-5-9 as follows:

6 (65 ILCS 5/11-5-9)

7 Sec. 11-5-9. Truants. The corporate authorities of any
8 municipality may adopt ordinances to regulate truants within
9 its jurisdiction. These ordinances may include a graduated fine
10 schedule for repeat violations, which may not exceed \$100, or
11 community service, or both, for violators 13 ~~10~~ years of age or
12 older and may provide for enforcement by citation or through
13 administrative hearings as determined by ordinance. If the
14 violator is under 13 ~~10~~ years of age, the parent or custodian
15 of the violator is subject to the fine or community service, or
16 both. As used in this Section, "truants" means persons who are

1 within the definition of "truant" in Section 26-2a of the
2 School Code. Local officials or authorities that enforce,
3 prosecute, or adjudicate municipal ordinances adopted under
4 this Section or that work with school districts to address
5 truancy problems are designated as (i) part of the juvenile
6 justice system, established by the Juvenile Court Act of 1987,
7 and (ii) "juvenile authorities" within the definition set forth
8 in subsection (a) (6.5) of Section 10-6 of the Illinois School
9 Student Record Act. Because truancy is a gateway to crime and
10 one of the most powerful predictors of juvenile delinquent
11 behavior, a school district may disclose education records
12 relating to attendance to juvenile authorities if the school
13 district determines that the disclosure will enhance the
14 juvenile justice system's ability to effectively serve, prior
15 to adjudication, the student whose records are released.
16 Enforcement of a municipal ordinance adopted under this Section
17 is pre-adjudicatory because it helps minors avoid adjudicatory
18 hearings under the Juvenile Court Act of 1987. A school
19 district may make a disclosure authorized under this Section
20 only if the juvenile authority certifies in writing to the
21 school district that the information will not be disclosed,
22 without prior written consent of the parent or custodian of the
23 student, to any other individual or entity, except as otherwise
24 provided under State law. A home rule unit may not regulate
25 truants in a manner inconsistent with the provisions of this
26 Section. This Section is a limitation under subsection (i) of

1 Section 6 of Article VII of the Illinois Constitution on the
2 concurrent exercise by home rule units of the powers and
3 functions exercised by the State.

4 (Source: P.A. 94-1011, eff. 7-7-06.)".