

1 AN ACT concerning local government.

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

4 Section 5. The Illinois Municipal Code is amended by  
5 changing Sections 1-2.2-20 and 11-5-9 as follows:

6 (65 ILCS 5/1-2.2-20)

7 Sec. 1-2.2-20. Instituting code hearing proceedings. When  
8 a police officer or other individual authorized to issue a code  
9 violation finds a code violation to exist, he or she shall note  
10 the violation on a multiple copy violation notice and report  
11 form that indicates (i) the name and address of the defendant,  
12 (ii) the type and nature of the violation, (iii) the date and  
13 time the violation was observed, and (iv) the names of  
14 witnesses to the violation.

15 The violation report form shall be forwarded to the code  
16 hearing department where a docket number shall be stamped on  
17 all copies of the report and a hearing date shall be noted in  
18 the blank spaces provided for that purpose on the form. The  
19 hearing date shall not be less than 30 nor more than 40 days  
20 after the violation is reported. However, if the code violation  
21 involves a municipal ordinance regulating truants, the hearing  
22 date shall not be less than 7 nor more than 40 days after the  
23 violation is reported.

1           One copy of the violation report form shall be maintained  
2 in the files of the code hearing department and shall be part  
3 of the record of hearing, one copy of the report form shall be  
4 returned to the individual representing the municipality in the  
5 case so that he or she may prepare evidence of the code  
6 violation for presentation at the hearing on the date  
7 indicated, and one copy of the report form shall be served by  
8 first class mail to the defendant along with a summons  
9 commanding the defendant to appear at the hearing. In  
10 municipalities with a population under 3,000,000, if the  
11 violation report form requires the respondent to answer within  
12 a certain amount of time, the municipality must reply to the  
13 answer within the same amount of time afforded to the  
14 respondent.

15       (Source: P.A. 94-616, eff. 1-1-06.)

16           (65 ILCS 5/11-5-9)

17           Sec. 11-5-9. Truants. The corporate authorities of any  
18 municipality may adopt ordinances to regulate truants within  
19 its jurisdiction. These ordinances may include a graduated fine  
20 schedule for repeat violations, which may not exceed \$100, or  
21 community service, or both, for violators 13 ~~14~~ years of age or  
22 older and may provide for enforcement by citation or through  
23 administrative hearings as determined by ordinance. If the  
24 violator is under 13 ~~14~~ years of age, the parent or custodian  
25 of the violator is subject to the fine or community service, or

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

1 Section. This Section is a limitation under subsection (i) of  
2 Section 6 of Article VII of the Illinois Constitution on the  
3 concurrent exercise by home rule units of the powers and  
4 functions exercised by the State.

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