



Adopted in House Comm. on May 30, 2008

09500SB2743ham001

LRB095 16663 RLJ 51626 a

1 AMENDMENT TO SENATE BILL 2743

2 AMENDMENT NO. _____. Amend Senate Bill 2743 by replacing
3 everything after the enacting clause with the following:

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

1 all copies of the report and a hearing date shall be noted in
2 the blank spaces provided for that purpose on the form. The
3 hearing date shall not be less than 30 nor more than 40 days
4 after the violation is reported. However, if the code violation
5 involves a municipal ordinance regulating truants, the hearing
6 date shall not be less than 7 nor more than 40 days after the
7 violation is reported.

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

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

23 (65 ILCS 5/11-5-9)

24 Sec. 11-5-9. Truants. The corporate authorities of any
25 municipality may adopt ordinances to regulate truants within

1 its jurisdiction. These ordinances may include a graduated fine
2 schedule for repeat violations, which may not exceed \$100, or
3 community service, or both, for violators 13 ~~14~~ years of age or
4 older and may provide for enforcement by citation or through
5 administrative hearings as determined by ordinance. If the
6 violator is under 13 ~~14~~ years of age, the parent or custodian
7 of the violator is subject to the fine or community service, or
8 both. As used in this Section, "truants" means persons who are
9 within the definition of "truant" in Section 26-2a of the
10 School Code. Local officials or authorities that enforce,
11 prosecute, or adjudicate municipal ordinances adopted under
12 this Section or that work with school districts to address
13 truancy problems are designated as (i) part of the juvenile
14 justice system, established by the Juvenile Court Act of 1987,
15 and (ii) "juvenile authorities" within the definition set forth
16 in subsection (a)(6.5) of Section 10-6 of the Illinois School
17 Student Record Act. Because truancy is a gateway to crime and
18 one of the most powerful predictors of juvenile delinquent
19 behavior, a school district may disclose education records
20 relating to attendance to juvenile authorities if the school
21 district determines that the disclosure will enhance the
22 juvenile justice system's ability to effectively serve, prior
23 to adjudication, the student whose records are released.
24 Enforcement of a municipal ordinance adopted under this Section
25 is pre-adjudicatory because it helps minors avoid adjudicatory
26 hearings under the Juvenile Court Act of 1987. A school

1 district may make a disclosure authorized under this Section
2 only if the juvenile authority certifies in writing to the
3 school district that the information will not be disclosed,
4 without prior written consent of the parent or custodian of the
5 student, to any other individual or entity, except as otherwise
6 provided under State law. A home rule unit may not regulate
7 truants in a manner inconsistent with the provisions of this
8 Section. This Section is a limitation under subsection (i) of
9 Section 6 of Article VII of the Illinois Constitution on the
10 concurrent exercise by home rule units of the powers and
11 functions exercised by the State.

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