



Rep. William Davis

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09700SB3415ham002

LRB097 19287 NHT 70406 a

1 AMENDMENT TO SENATE BILL 3415

2 AMENDMENT NO. _____. Amend Senate Bill 3415, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Sections
6 10-21.7, 10-27.1A, 10-27.1B, and 34-8.05 and by adding Section
7 22-66 as follows:

8 (105 ILCS 5/10-21.7) (from Ch. 122, par. 10-21.7)

9 Sec. 10-21.7. Attacks on school personnel.

10 (a) In the Section, "school" means any public or private
11 elementary or secondary school.

12 (b) Upon receipt of a ~~written~~ complaint from any school
13 personnel, the superintendent or his or her designee, or other
14 appropriate administrative officer for a private school, shall
15 report all incidents of criminal sexual assault, aggravated
16 criminal sexual assault, criminal sexual abuse, or aggravated

1 criminal sexual abuse ~~battery~~ committed against teachers,
2 teacher personnel, administrative personnel or educational
3 support personnel to the local law enforcement authorities
4 immediately after the occurrence of the attack. Upon receipt of
5 a complaint from any school personnel, the superintendent or
6 his or her designee, or other appropriate administrative
7 officer for a private school, may report incidents of assault
8 or battery committed against teachers, teacher personnel,
9 administrative personnel, or educational support personnel to
10 the local law enforcement authorities immediately after the
11 occurrence of the attack. For reports concerning an assault or
12 battery committed by a student who has an individualized
13 educational program (IEP) under Article 14 of this Code or a
14 federal Section 504 plan that provides for special education
15 services, the IEP team or federal Section 504 team may manage
16 the incident; the superintendent may report the incident to
17 local law enforcement authorities if there is a threat of
18 imminent danger. If an incident is reported, the local law
19 enforcement authorities shall report the incident ~~and~~ to the
20 Department of State Police's Illinois Uniform Crime Reporting
21 Program in a form, manner, and frequency as prescribed by the
22 Department of State Police ~~no later than 3 days after the~~
23 ~~occurrence of the attack.~~ The State Board of Education shall
24 receive ~~monthly as well as~~ annual statistical compilations of
25 attacks on school personnel from the Department of State Police
26 through the Illinois Uniform Crime Reporting Program. The State

1 Board of Education shall compile this information by school
2 district and make it available to the public.

3 (Source: P.A. 91-491, eff. 8-13-99.)

4 (105 ILCS 5/10-27.1A)

5 Sec. 10-27.1A. Reporting firearms ~~Firearms~~ in schools.

6 (a) All school officials, including teachers, guidance
7 counselors, and support staff, shall immediately notify the
8 office of the principal in the event that they observe any
9 person in possession of a firearm on school grounds or on
10 school owned or leased property, including any conveyance
11 owned, leased, or used by the school for the transport of
12 students or school personnel; provided that taking such
13 immediate action to notify the office of the principal would
14 not immediately endanger the health, safety, or welfare of
15 students who are under the direct supervision of the school
16 official or the school official. If the health, safety, or
17 welfare of students under the direct supervision of the school
18 official or of the school official is immediately endangered,
19 the school official shall notify the office of the principal as
20 soon as the students under his or her supervision and he or she
21 are no longer under immediate danger. A report is not required
22 by this Section when the school official knows that the person
23 in possession of the firearm is a law enforcement official
24 engaged in the conduct of his or her official duties. Any
25 school official acting in good faith who makes such a report

1 under this Section shall have immunity from any civil or
2 criminal liability that might otherwise be incurred as a result
3 of making the report, except for willful or wanton misconduct.
4 The identity of the school official making such report shall
5 not be disclosed except as expressly and specifically
6 authorized by law. Knowingly and willfully failing to comply
7 with this Section is a petty offense. A second or subsequent
8 offense is a Class C misdemeanor.

9 (b) Upon receiving a report from any school official
10 pursuant to this Section, or from any other person, the
11 principal or his or her designee shall immediately notify a
12 local law enforcement agency. The local law enforcement agency
13 shall complete a police report regarding the incident. If the
14 person found to be in possession of a firearm on school grounds
15 is a student, then the law enforcement agency shall notify the
16 student's parent or guardian pursuant to the Juvenile Court Act
17 of 1987 ~~the principal or his or her designee shall also~~
18 ~~immediately notify that student's parent or guardian.~~ Any
19 principal or his or her designee acting in good faith who makes
20 such reports under this Section shall have immunity from any
21 civil or criminal liability that might otherwise be incurred or
22 imposed as a result of making the reports. Knowingly and
23 willfully failing to comply with this Section is a petty
24 offense. A second or subsequent offense is a Class C
25 misdemeanor. If the person found to be in possession of the
26 firearm on school grounds is a minor, the law enforcement

1 agency shall detain that minor until such time as the agency
2 makes a determination pursuant to clause (a) of subsection (1)
3 of Section 5-401 of the Juvenile Court Act of 1987, as to
4 whether the agency reasonably believes that the minor is
5 delinquent. If the law enforcement agency determines that
6 probable cause exists to believe that the minor committed a
7 violation of item (4) of subsection (a) of Section 24-1 of the
8 Criminal Code of 1961 while on school grounds, the agency shall
9 detain the minor for processing pursuant to Section 5-407 of
10 the Juvenile Court Act of 1987.

11 (c) On or after January 1, 1997, upon receipt of any
12 written, electronic, or verbal report from any school personnel
13 regarding a verified incident involving a firearm in a school
14 or on school owned or leased property, including any conveyance
15 owned, leased, or used by the school for the transport of
16 students or school personnel, the superintendent or his or her
17 designee, or other appropriate administrative officer for a
18 private school, shall report all such firearm-related
19 incidents occurring in a school or on school property to the
20 local law enforcement authorities immediately. The local law
21 enforcement agency shall complete a police report regarding the
22 incident and shall report the incident ~~and~~ to the Department of
23 State Police's Illinois Uniform Crime Reporting Program ~~Police~~
24 in a form, manner, and frequency as prescribed by the
25 Department of State Police.

26 The State Board of Education shall receive an annual

1 statistical compilation and related data associated with
2 incidents involving firearms in schools from the Department of
3 State Police. The State Board of Education shall ~~compile this~~
4 ~~information by school district and~~ make this information it
5 available to the public.

6 (d) As used in this Section, the term "firearm" shall have
7 the meaning ascribed to it in Section 1.1 of the Firearm Owners
8 Identification Card Act.

9 As used in this Section, the term "school" means any public
10 or private elementary or secondary school.

11 As used in this Section, the term "school grounds" includes
12 the real property comprising any school, any conveyance owned,
13 leased, or contracted by a school to transport students to or
14 from school or a school-related activity, or any public way
15 within 1,000 feet of the real property comprising any school.

16 (Source: P.A. 91-11, eff. 6-4-99; 91-491, eff. 8-13-99.)

17 (105 ILCS 5/10-27.1B)

18 Sec. 10-27.1B. Reporting drug-related incidents in
19 schools.

20 (a) In this Section:

21 "Drug" means "cannabis" as defined under subsection (a) of
22 Section 3 of the Cannabis Control Act, "narcotic drug" as
23 defined under subsection (aa) of Section 102 of the Illinois
24 Controlled Substances Act, or "methamphetamine" as defined
25 under Section 10 of the Methamphetamine Control and Community

1 Protection Act.

2 "School" means any public or private elementary or
3 secondary school.

4 (b) Upon receipt of any written, electronic, or verbal
5 report from any school personnel regarding a verified incident
6 involving drugs in a school or on school owned or leased
7 property, including any conveyance owned, leased, or used by
8 the school for the transport of students or school personnel,
9 the superintendent or his or her designee, or other appropriate
10 administrative officer for a private school, shall report all
11 such drug-related incidents occurring in a school or on school
12 property to the local law enforcement authorities immediately.
13 The local law enforcement authorities shall complete a police
14 report regarding the incident and shall report the incident and
15 to the Department of State Police's Illinois Uniform Crime
16 Reporting Program ~~Police~~ in a form, manner, and frequency as
17 prescribed by the Department of State Police.

18 (c) The State Board of Education shall receive an annual
19 statistical compilation and related data associated with
20 drug-related incidents in schools from the Department of State
21 Police. The State Board of Education shall compile this
22 information by school district and make it available to the
23 public.

24 (Source: P.A. 94-556, eff. 9-11-05.)

25 (105 ILCS 5/22-66 new)

1 Sec. 22-66. Certain criminal offenses to be reported.

2 (a) All school officials, including teachers, guidance
3 counselors, and support staff, shall immediately notify the
4 office of the principal in the event that they observe any
5 person who is a student in grade 6 through 12 or any person not
6 a student commit a criminal sexual assault, an aggravated
7 criminal sexual assault, a predatory criminal sexual assault of
8 a child, criminal sexual abuse, or aggravated criminal sexual
9 abuse on school grounds or on school owned or leased property,
10 including any conveyance owned, leased, or used by the school
11 for the transport of students. A principal may require that all
12 school officials, including teachers, guidance counselors, and
13 support staff, immediately notify the office of the principal
14 in the event that they observe any person who is a student in
15 grade 6 through 12 or any person not a student commit an
16 assault or a battery on school grounds or on school owned or
17 leased property, including any conveyance owned, leased, or
18 used by the school for the transport of students. Any school
19 official acting in good faith who makes a report under this
20 Section shall have immunity from any civil or criminal
21 liability that might otherwise be incurred as a result of
22 making the report. The identity of the school official making
23 the report shall not be disclosed except as expressly and
24 specifically authorized by law.

25 (b) Upon receiving a report from any school official
26 pursuant to this Section or from any other person, other than a

1 report concerning an assault or a battery, the principal or his
2 or her designee shall immediately notify a local law
3 enforcement agency. Upon receiving a report concerning an
4 assault or a battery from any school official pursuant to this
5 Section or from any other person, the principal or his or her
6 designee may immediately notify a local law enforcement agency.
7 For reports concerning an assault or a battery committed by a
8 student who has an individualized educational program (IEP)
9 under Article 14 of this Code or a federal Section 504 plan
10 that provides for special education services, the IEP team or
11 federal Section 504 team may manage the incident; the principal
12 may report the incident to the local law enforcement agency if
13 there is a threat of imminent danger. The local law enforcement
14 agency shall complete a police report regarding the incident
15 and shall report the incident to the Department of State
16 Police's Illinois Uniform Crime Reporting Program in a form,
17 manner, and frequency as prescribed by the Department of State
18 Police. Any principal or his or her designee acting in good
19 faith who makes a report under this Section shall have immunity
20 from any civil or criminal liability that might otherwise be
21 incurred or imposed as a result of making the report.

22 (c) If the person found to have committed an offense
23 specified under subsection (a) of this Section is a minor, then
24 the law enforcement agency shall detain that minor until such
25 time as the agency makes a determination pursuant to clause (a)
26 of subsection (1) of Section 5-401 of the Juvenile Court Act of

1 1987 as to whether the agency reasonably believes that the
2 minor is delinquent. If the law enforcement agency determines
3 that probable cause exists to believe that the minor committed
4 a violation of Section 12-1, 12-2, 12-3, or 12-3.05 of the
5 Criminal Code of 1961 while on school grounds or on school
6 owned or leased property, including any conveyance owned,
7 leased, or used by the school for the transport of students,
8 then the agency shall detain the minor for processing pursuant
9 to Section 5-407 of the Juvenile Court Act of 1987.

10 (d) The State Board of Education shall receive an annual
11 statistical compilation and related data associated with
12 incidents in schools from the Department of State Police. The
13 State Board of Education shall compile this information by
14 school district and make it available to the public.

15 (105 ILCS 5/34-8.05)

16 Sec. 34-8.05. Reporting firearms in schools.

17 (a) On or after January 1, 1997, upon receipt of any
18 written, electronic, or verbal report from any school personnel
19 regarding a verified incident involving a firearm in a school
20 or on school owned or leased property, including any conveyance
21 owned, leased, or used by the school for the transport of
22 students or school personnel, the general superintendent of
23 schools or chief executive officer or his or her designee shall
24 report all such firearm-related incidents occurring in a school
25 or on school property to the local law enforcement authorities

1 immediately. The local law enforcement authorities shall
2 complete a police report regarding the incident and shall
3 report the incident no later than 24 hours after the occurrence
4 of the incident and to the Department of State Police's
5 Illinois Uniform Crime Reporting Program ~~Police~~ in a form,
6 manner, and frequency as prescribed by the Department of State
7 Police.

8 (b) Any school official acting in good faith who makes a
9 report under this Section shall have immunity from any civil or
10 criminal liability that might otherwise be incurred or imposed
11 as a result of making the report, except for willful or wanton
12 misconduct. The identity of the school official making such a
13 report must not be disclosed except as expressly and
14 specifically authorized by law. Knowingly and willfully
15 failing to comply with this Section is a petty offense. A
16 second or subsequent offense is a Class C misdemeanor.

17 (c) If the person found to be in possession of the firearm
18 on school grounds is a minor, then the law enforcement agency
19 shall detain that minor until such time as the agency makes a
20 determination pursuant to clause (a) of subsection (1) of
21 Section 5-401 of the Juvenile Court Act of 1987 as to whether
22 the agency reasonably believes that the minor is delinquent. If
23 the person found to be in possession of a firearm is a minor,
24 then the law enforcement agency shall notify the minor's parent
25 or guardian pursuant to the Juvenile Court Act of 1987. If the
26 law enforcement agency determines that probable cause exists to

1 believe that the minor committed a violation of item (4) of
2 subsection (a) of Section 24-1 of the Criminal Code of 1961
3 while on school grounds, the agency shall detain the minor for
4 processing and shall notify the minor's parent or guardian
5 pursuant to the Juvenile Court Act of 1987.

6 (d) The State Board of Education shall receive an annual
7 statistical compilation and related data associated with
8 incidents involving firearms in schools from the Department of
9 State Police. As used in this Section, the term "firearm" shall
10 have the meaning ascribed to it in Section 1.1 of the Firearm
11 Owners Identification Card Act.

12 (Source: P.A. 89-498, eff. 6-27-96.)

13 Section 99. Effective date. This Act takes effect July 1,
14 2013.".