



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1633

Introduced 2/20/2015, by Sen. Chapin Rose

SYNOPSIS AS INTRODUCED:

105 ILCS 5/21B-80
110 ILCS 305/90 new
110 ILCS 520/75 new
110 ILCS 660/5-185 new
110 ILCS 665/10-185 new
110 ILCS 670/15-185 new
110 ILCS 675/20-190 new
110 ILCS 680/25-185 new
110 ILCS 685/30-195 new
110 ILCS 690/35-190 new
110 ILCS 805/3-29.11 new

Amends the School Code and various Acts relating to the governance of public universities and community colleges in Illinois. In a provision of the Educator Licensure Article of the School Code that requires a license to be revoked for conviction of a Class X felony, specifically includes the offense of terrorism as one of those Class X felonies. Prohibits universities and community colleges from knowingly employing a person who has been convicted of attempting to commit, conspiring to commit, soliciting, or committing murder or felony murder (but not reckless homicide or negligent homicide) or the offense of terrorism or any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as murder or felony murder (but not reckless homicide or negligent homicide) or terrorism. Effective immediately.

LRB099 09492 NHT 29700 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 21B-80 as follows:

6 (105 ILCS 5/21B-80)

7 Sec. 21B-80. Conviction of certain offenses as grounds for
8 revocation of license.

9 (a) As used in this Section:

10 "Narcotics offense" means any one or more of the following
11 offenses:

12 (1) Any offense defined in the Cannabis Control Act,
13 except those defined in subdivisions (a) and (b) of Section
14 4 and subdivision (a) of Section 5 of the Cannabis Control
15 Act and any offense for which the holder of a license is
16 placed on probation under the provisions of Section 10 of
17 the Cannabis Control Act, provided that if the terms and
18 conditions of probation required by the court are not
19 fulfilled, the offense is not eligible for this exception.

20 (2) Any offense defined in the Illinois Controlled
21 Substances Act, except any offense for which the holder of
22 a license is placed on probation under the provisions of
23 Section 410 of the Illinois Controlled Substances Act,

1 provided that if the terms and conditions of probation
2 required by the court are not fulfilled, the offense is not
3 eligible for this exception.

4 (3) Any offense defined in the Methamphetamine Control
5 and Community Protection Act, except any offense for which
6 the holder of a license is placed on probation under the
7 provision of Section 70 of that Act, provided that if the
8 terms and conditions of probation required by the court are
9 not fulfilled, the offense is not eligible for this
10 exception.

11 (4) Any attempt to commit any of the offenses listed in
12 items (1) through (3) of this definition.

13 (5) Any offense committed or attempted in any other
14 state or against the laws of the United States that, if
15 committed or attempted in this State, would have been
16 punishable as one or more of the offenses listed in items
17 (1) through (4) of this definition.

18 The changes made by Public Act 96-431 to the definition of
19 "narcotics offense" are declaratory of existing law.

20 "Sex offense" means any one or more of the following
21 offenses:

22 (A) Any offense defined in Sections 11-6, 11-9 through
23 11-9.5, inclusive, and 11-30, of the Criminal Code of 1961
24 or the Criminal Code of 2012; Sections 11-14 through 11-21,
25 inclusive, of the Criminal Code of 1961 or the Criminal
26 Code of 2012; Sections 11-23 (if punished as a Class 3

1 felony), 11-24, 11-25, and 11-26 of the Criminal Code of
2 1961 or the Criminal Code of 2012; and Sections 11-1.20,
3 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14,
4 12-14.1, 12-15, 12-16, 12-32, 12-33, and 12C-45 of the
5 Criminal Code of 1961 or the Criminal Code of 2012.

6 (B) Any attempt to commit any of the offenses listed in
7 item (A) of this definition.

8 (C) Any offense committed or attempted in any other
9 state that, if committed or attempted in this State, would
10 have been punishable as one or more of the offenses listed
11 in items (A) and (B) of this definition.

12 (b) Whenever the holder of any license issued pursuant to
13 this Article has been convicted of any sex offense or narcotics
14 offense, the State Superintendent of Education shall forthwith
15 suspend the license. If the conviction is reversed and the
16 holder is acquitted of the offense in a new trial or the
17 charges against him or her are dismissed, the State
18 Superintendent of Education shall forthwith terminate the
19 suspension of the license. When the conviction becomes final,
20 the State Superintendent of Education shall forthwith revoke
21 the license.

22 (c) Whenever the holder of a license issued pursuant to
23 this Article has been convicted of attempting to commit,
24 conspiring to commit, soliciting, or committing first degree
25 murder or a Class X felony (including without limitation the
26 offense of terrorism) or any offense committed or attempted in

1 any other state or against the laws of the United States that,
2 if committed or attempted in this State, would have been
3 punishable as one or more of the foregoing offenses, the State
4 Superintendent of Education shall forthwith suspend the
5 license. If the conviction is reversed and the holder is
6 acquitted of that offense in a new trial or the charges that he
7 or she committed that offense are dismissed, the State
8 Superintendent of Education shall forthwith terminate the
9 suspension of the license. When the conviction becomes final,
10 the State Superintendent of Education shall forthwith revoke
11 the license.

12 (Source: P.A. 97-607, eff. 8-26-11; incorporates 96-1551, eff.
13 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

14 Section 10. The University of Illinois Act is amended by
15 adding Section 90 as follows:

16 (110 ILCS 305/90 new)

17 Sec. 90. Employment prohibition for certain convictions.
18 The University may not knowingly employ a person who has been
19 convicted of attempting to commit, conspiring to commit,
20 soliciting, or committing murder or felony murder (but not
21 reckless homicide or negligent homicide) or the offense of
22 terrorism or any offense committed or attempted in any other
23 state or against the laws of the United States that, if
24 committed or attempted in this State, would have been

1 punishable as murder or felony murder (but not reckless
2 homicide or negligent homicide) or terrorism.

3 Section 15. The Southern Illinois University Management
4 Act is amended by adding Section 75 as follows:

5 (110 ILCS 520/75 new)

6 Sec. 75. Employment prohibition for certain convictions.

7 The University may not knowingly employ a person who has been
8 convicted of attempting to commit, conspiring to commit,
9 soliciting, or committing murder or felony murder (but not
10 reckless homicide or negligent homicide) or the offense of
11 terrorism or any offense committed or attempted in any other
12 state or against the laws of the United States that, if
13 committed or attempted in this State, would have been
14 punishable as murder or felony murder (but not reckless
15 homicide or negligent homicide) or terrorism.

16 Section 20. The Chicago State University Law is amended by
17 adding Section 5-185 as follows:

18 (110 ILCS 660/5-185 new)

19 Sec. 5-185. Employment prohibition for certain

20 convictions. The University may not knowingly employ a person
21 who has been convicted of attempting to commit, conspiring to
22 commit, soliciting, or committing murder or felony murder (but

1 not reckless homicide or negligent homicide) or the offense of
2 terrorism or any offense committed or attempted in any other
3 state or against the laws of the United States that, if
4 committed or attempted in this State, would have been
5 punishable as murder or felony murder (but not reckless
6 homicide or negligent homicide) or terrorism.

7 Section 25. The Eastern Illinois University Law is amended
8 by adding Section 10-185 as follows:

9 (110 ILCS 665/10-185 new)

10 Sec. 10-185. Employment prohibition for certain
11 convictions. The University may not knowingly employ a person
12 who has been convicted of attempting to commit, conspiring to
13 commit, soliciting, or committing murder or felony murder (but
14 not reckless homicide or negligent homicide) or the offense of
15 terrorism or any offense committed or attempted in any other
16 state or against the laws of the United States that, if
17 committed or attempted in this State, would have been
18 punishable as murder or felony murder (but not reckless
19 homicide or negligent homicide) or terrorism.

20 Section 30. The Governors State University Law is amended
21 by adding Section 15-185 as follows:

22 (110 ILCS 670/15-185 new)

1 Sec. 15-185. Employment prohibition for certain
2 convictions. The University may not knowingly employ a person
3 who has been convicted of attempting to commit, conspiring to
4 commit, soliciting, or committing murder or felony murder (but
5 not reckless homicide or negligent homicide) or the offense of
6 terrorism or any offense committed or attempted in any other
7 state or against the laws of the United States that, if
8 committed or attempted in this State, would have been
9 punishable as murder or felony murder (but not reckless
10 homicide or negligent homicide) or terrorism.

11 Section 35. The Illinois State University Law is amended by
12 adding Section 20-190 as follows:

13 (110 ILCS 675/20-190 new)

14 Sec. 20-190. Employment prohibition for certain
15 convictions. The University may not knowingly employ a person
16 who has been convicted of attempting to commit, conspiring to
17 commit, soliciting, or committing murder or felony murder (but
18 not reckless homicide or negligent homicide) or the offense of
19 terrorism or any offense committed or attempted in any other
20 state or against the laws of the United States that, if
21 committed or attempted in this State, would have been
22 punishable as murder or felony murder (but not reckless
23 homicide or negligent homicide) or terrorism.

1 Section 40. The Northeastern Illinois University Law is
2 amended by adding Section 25-185 as follows:

3 (110 ILCS 680/25-185 new)

4 Sec. 25-185. Employment prohibition for certain
5 convictions. The University may not knowingly employ a person
6 who has been convicted of attempting to commit, conspiring to
7 commit, soliciting, or committing murder or felony murder (but
8 not reckless homicide or negligent homicide) or the offense of
9 terrorism or any offense committed or attempted in any other
10 state or against the laws of the United States that, if
11 committed or attempted in this State, would have been
12 punishable as murder or felony murder (but not reckless
13 homicide or negligent homicide) or terrorism.

14 Section 45. The Northern Illinois University Law is amended
15 by adding Section 30-195 as follows:

16 (110 ILCS 685/30-195 new)

17 Sec. 30-195. Employment prohibition for certain
18 convictions. The University may not knowingly employ a person
19 who has been convicted of attempting to commit, conspiring to
20 commit, soliciting, or committing murder or felony murder (but
21 not reckless homicide or negligent homicide) or the offense of
22 terrorism or any offense committed or attempted in any other
23 state or against the laws of the United States that, if

1 committed or attempted in this State, would have been
2 punishable as murder or felony murder (but not reckless
3 homicide or negligent homicide) or terrorism.

4 Section 50. The Western Illinois University Law is amended
5 by adding Section 35-190 as follows:

6 (110 ILCS 690/35-190 new)

7 Sec. 35-190. Employment prohibition for certain
8 convictions. The University may not knowingly employ a person
9 who has been convicted of attempting to commit, conspiring to
10 commit, soliciting, or committing murder or felony murder (but
11 not reckless homicide or negligent homicide) or the offense of
12 terrorism or any offense committed or attempted in any other
13 state or against the laws of the United States that, if
14 committed or attempted in this State, would have been
15 punishable as murder or felony murder (but not reckless
16 homicide or negligent homicide) or terrorism.

17 Section 55. The Public Community College Act is amended by
18 adding Section 3-29.11 as follows:

19 (110 ILCS 805/3-29.11 new)

20 Sec. 3-29.11. Employment prohibition for certain
21 convictions. A community college may not knowingly employ a
22 person who has been convicted of attempting to commit,

1 conspiring to commit, soliciting, or committing murder or
2 felony murder (but not reckless homicide or negligent homicide)
3 or the offense of terrorism or any offense committed or
4 attempted in any other state or against the laws of the United
5 States that, if committed or attempted in this State, would
6 have been punishable as murder or felony murder (but not
7 reckless homicide or negligent homicide) or terrorism.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.