



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3304

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

55 ILCS 80/4.5 new
105 ILCS 5/10-23.14 new

Amends the Children's Advocacy Center Act. Provides that schools in a county with an accredited Children's Advocacy Center shall not proceed with interviews of a student regarding an alleged incident of sexual abuse, regardless of whether the student is a victim, witness, or alleged perpetrator, until the school receives written approval from an appropriate law enforcement agency or the Department of Children and Family Services. Allows a law enforcement agency or the Department to object to an interview allowed by the other entity and no interview may be done until both approve. Allows an investigating body of a school to view a forensic interview under specified circumstances. Includes legislative findings and defines a term. Amends the School Code making conforming changes. Effective July 1, 2019.

LRB101 09747 AWJ 54848 b

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 Children's Advocacy Center Act is amended by
5 adding Section 4.5 as follows:

6 (55 ILCS 80/4.5 new)

7 Sec. 4.5. Sexual abuse interviews at schools.

8 (a) As used in this Section, "alleged incidents of sexual
9 abuse" is limited to: incidents of sexual abuse which are
10 alleged to have been perpetrated by school personnel; if the
11 alleged sexual abuse occurs on school grounds or during a
12 school activity; or when school personnel became aware of
13 alleged sexual abuse of a child which occurs outside of school
14 grounds or a school activity.

15 (b) The General Assembly finds:

16 (1) multiple interviews of a child regarding incidents
17 of sexual abuse can induce significant trauma for the
18 child;

19 (2) it is desirable to prevent multiple interviews of a
20 child at a school; and

21 (3) it is important to recognize the role of CACs in
22 conducting developmentally appropriate forensic
23 interviews.

1 (c) Schools in a county with an accredited CAC shall not
2 proceed with interviews of a student regarding an alleged
3 incident of sexual abuse, regardless of whether the student is
4 a victim, witness, or alleged perpetrator, until the school
5 receives written approval from an appropriate law enforcement
6 agency or the Department of Children and Family Services. The
7 restrictions of this subsection shall apply only after school
8 personnel becomes aware that the incident which is being
9 investigated is sexual in nature.

10 (d) If an appropriate law enforcement agency gives written
11 approval to a school under subsection (b), it shall also notify
12 the Department of Children and Family Services of the approval.
13 If the Department of Children and Family Services gives written
14 approval to a school under subsection (b), it shall also notify
15 the appropriate law enforcement agency of the approval. If
16 either the appropriate law enforcement agency or the Department
17 of Children and Family Services objects to the written approval
18 granted to a school by the other entity, then the objecting
19 entity shall notify the school as soon as possible and the
20 school, upon receipt of the notification, shall not proceed
21 with an interview under subsection (c) until it receives
22 written approval from both the appropriate law enforcement
23 agency and the Department of Children and Family Services.

24 (e) The CAC's multidisciplinary team may grant the
25 investigating body of the school permission to view the
26 digitally recorded forensic interview for the purposes of their

1 internal investigation if it meets the following requirements:
2 (1) it serves the purpose of removing the requirement of
3 further interviews of the child; and (2) if consent for the
4 viewing is given by the child and parent or guardian.

5 (f) This Section applies to all public schools operated
6 under the School Code, including public schools located in
7 cities having a population of more than 500,000, a school
8 operated pursuant to an agreement with a public school
9 district, alternative schools operated by third parties, an
10 alternative learning opportunities program, a public school
11 administered by a local public agency or the Department of
12 Human Services, charter schools operating under the authority
13 of Article 27A of the School Code, and schools recognized by
14 the Illinois State Board of Education.

15 Section 10. The School Code is amended by adding Section
16 10-23.14 as follows:

17 (105 ILCS 5/10-23.14 new)

18 Sec. 10-23.14. Sexual abuse interviews at schools. To adopt
19 and implement a policy addressing sexual abuse interviews at
20 school consistent with Section 4.5 of the Children's Advocacy
21 Center Act.

22 Section 99. Effective date. This Act takes effect July 1,
23 2019.