



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5450

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-88
105 ILCS 5/22-89 new

Amends the School Code. Provides that law enforcement officers shall not maintain a presence on school grounds unless there exists an imminent threat of danger to students at the school in question or there is reason to believe that urgent and immediate action is necessary to prevent such danger to students. Makes conforming changes. Defines "school grounds". Effective immediately.

LRB101 19448 CMG 68920 b

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 22-88 and by adding Section 22-89 as follows:

6 (105 ILCS 5/22-88)

7 Sec. 22-88 ~~22-85~~. Parental notification of law enforcement
8 detainment and questioning on school grounds.

9 (a) In this Section, "school grounds" means the real
10 property comprising an active and operational elementary or
11 secondary school during the regular hours in which school is in
12 session and when students are present.

13 (b) Before detaining and questioning a student on school
14 grounds who is under 18 years of age and who is suspected of
15 committing a criminal act, a law enforcement officer, school
16 resource officer, or other school security personnel must do
17 all of the following:

18 (1) Ensure that notification or attempted notification
19 of the student's parent or guardian is made.

20 (2) Document the time and manner in which the
21 notification or attempted notification under paragraph (1)
22 occurred.

23 (3) Make reasonable efforts to ensure that the

1 student's parent or guardian is present during the
2 questioning or, if the parent or guardian is not present,
3 ensure that school personnel, including, but not limited
4 to, a school social worker, a school psychologist, a school
5 nurse, a school guidance counselor, or any other mental
6 health professional, are present during the questioning.

7 (4) If practicable, make reasonable efforts to ensure
8 that a law enforcement officer trained in promoting safe
9 interactions and communications with youth is present
10 during the questioning. An officer who received training in
11 youth investigations approved or certified by his or her
12 law enforcement agency or under Section 10.22 of the Police
13 Training Act or a juvenile police officer, as defined under
14 Section 1-3 of the Juvenile Court Act of 1987, satisfies
15 the requirement under this paragraph.

16 (c) Except as otherwise provided in subsection (d) and
17 Section 22-89, this ~~This~~ Section does not limit the authority
18 of a law enforcement officer to make an arrest on school
19 grounds. This Section does not apply to circumstances that
20 would cause a reasonable person to believe that urgent and
21 immediate action is necessary to do any of the following:

22 (1) Prevent bodily harm or injury to the student or any
23 other person.

24 (2) Apprehend an armed or fleeing suspect.

25 (3) Prevent the destruction of evidence.

26 (4) Address an emergency or other dangerous situation.

1 (d) The presence of law enforcement officers on school
2 grounds for the purposes of detaining and questioning a student
3 shall only be authorized if there exists an imminent threat of
4 danger to students at the school in question or there is reason
5 to believe that urgent and immediate action is necessary to
6 prevent such danger to students as provided under subsection
7 (c).

8 (Source: P.A. 101-478, eff. 8-23-19; revised 10-21-19.)

9 (105 ILCS 5/22-89 new)

10 Sec. 22-89. Law enforcement presence on school grounds.
11 Notwithstanding any provision of law to the contrary, law
12 enforcement officers shall not maintain a presence on school
13 grounds unless there exists an imminent threat of danger to
14 students at the school in question or there is reason to
15 believe that urgent and immediate action is necessary to
16 prevent such danger to students. For the purposes of this
17 Section, "school grounds" has the same meaning as provided
18 under subsection (a) of Section 22-88.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.