



Rep. Amy Elik

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10300HB4241ham001

LRB103 35346 RLC 71659 a

1 AMENDMENT TO HOUSE BILL 4241

2 AMENDMENT NO. _____. Amend House Bill 4241 by replacing
3 everything after the enacting clause with the following:

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 disqualification for licensure or suspension or revocation of
9 a license.

10 (a) As used in this Section:

11 "Drug offense" means any one or more of the following
12 offenses:

13 (1) Any offense defined in the Cannabis Control Act,
14 except those defined in subdivisions (a), (b), and (c) of
15 Section 4 and subdivisions (a) and (b) of Section 5 of the
16 Cannabis Control Act and any offense for which the holder

1 of a license is placed on probation under the provisions
2 of Section 10 of the Cannabis Control Act, provided that
3 if the terms and conditions of probation required by the
4 court are not fulfilled, the offense is not eligible for
5 this exception.

6 (2) Any offense defined in the Illinois Controlled
7 Substances Act, except any offense for which the holder of
8 a license is placed on probation under the provisions of
9 Section 410 of the Illinois Controlled Substances Act,
10 provided that if the terms and conditions of probation
11 required by the court are not fulfilled, the offense is
12 not eligible for this exception.

13 (3) Any offense defined in the Methamphetamine Control
14 and Community Protection Act, except any offense for which
15 the holder of a license is placed on probation under the
16 provision of Section 70 of that Act, provided that if the
17 terms and conditions of probation required by the court
18 are not fulfilled, the offense is not eligible for this
19 exception.

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

22 (5) 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
25 punishable as one or more of the offenses listed in items
26 (1) through (4) of this definition.

1 The changes made by Public Act 96-431 to this definition are
2 declaratory of existing law.

3 "Sentence" includes any period of supervised release or
4 probation that was imposed either alone or in combination with
5 a period of incarceration.

6 "Sex or other offense" means any one or more of the
7 following offenses:

8 (A) Any offense defined in Article 9 of the Criminal
9 Code of 1961 or the Criminal Code of 2012; Sections 11-6,
10 11-9 through 11-9.6 ~~11-9.5~~, inclusive, and 11-30 (if
11 punished as a Class 4 felony) of the Criminal Code of 1961
12 or the Criminal Code of 2012; Sections 11-14.1 through
13 11-21, inclusive, of the Criminal Code of 1961 or the
14 Criminal Code of 2012; Sections 11-23 (if punished as a
15 Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal
16 Code of 1961 or the Criminal Code of 2012; Section 10-5.1,
17 subsection (c) of Section 10-9, and Sections 11-6.6,
18 11-11, 12-3.05, 12-3.3, 12-6.4, 12-7.1, 12-34, 12-34.5,
19 and 12-35 of the Criminal Code of 2012; and Sections
20 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
21 12-14.1, 12-15, 12-16, 12-32, 12-33, 12C-45, and 26-4 (if
22 punished pursuant to subdivision (4) or (5) of subsection
23 (d) of Section 26-4) of the Criminal Code of 1961 or the
24 Criminal Code of 2012.

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

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

5 (b) Whenever the holder of any license issued pursuant to
6 this Article or applicant for a license to be issued pursuant
7 to this Article has been convicted of any drug offense, other
8 than as provided in subsection (c) of this Section, the State
9 Superintendent of Education shall forthwith suspend the
10 license or deny the application, whichever is applicable,
11 until 7 years following the end of the sentence for the
12 criminal offense. If the conviction is reversed and the holder
13 is acquitted of the offense in a new trial or the charges
14 against him or her are dismissed, the State Superintendent of
15 Education shall forthwith terminate the suspension of the
16 license.

17 (b-5) Whenever the holder of a license issued pursuant to
18 this Article or applicant for a license to be issued pursuant
19 to this Article has been charged with attempting to commit,
20 conspiring to commit, soliciting, or committing any sex or
21 other offense, as enumerated under item (A) of subsection (a),
22 first degree murder, or a Class X felony or any offense
23 committed or attempted in any other state or against the laws
24 of the United States that, if committed or attempted in this
25 State, would have been punishable as one or more of the
26 foregoing offenses, the State Superintendent of Education

1 shall immediately suspend the license or deny the application
2 until the person's criminal charges are adjudicated through a
3 court of competent jurisdiction. If the person is acquitted,
4 his or her license or application shall be immediately
5 reinstated.

6 (c) Whenever the holder of a license issued pursuant to
7 this Article or applicant for a license to be issued pursuant
8 to this Article has been convicted of attempting to commit,
9 conspiring to commit, soliciting, or committing any sex or
10 other offense, as enumerated under item (A) of subsection (a),
11 first degree murder, or a Class X felony or any offense
12 committed or attempted in any other state or against the laws
13 of the United States that, if committed or attempted in this
14 State, would have been punishable as one or more of the
15 foregoing offenses, the State Superintendent of Education
16 shall forthwith suspend the license or deny the application,
17 whichever is applicable. If the conviction is reversed and the
18 holder is acquitted of that offense in a new trial or the
19 charges that he or she committed that offense are dismissed,
20 the State Superintendent of Education shall forthwith
21 terminate the suspension of the license. When the conviction
22 becomes final, the State Superintendent of Education shall
23 forthwith revoke the license.

24 (Source: P.A. 101-531, eff. 8-23-19; 102-552, eff. 1-1-22.)

25 Section 10. The Criminal Code of 2012 is amended by adding

1 Section 11-9.6 as follows:

2 (720 ILCS 5/11-9.6 new)

3 Sec. 11-9.6. Abuse by an educator or authority figure.

4 (a) As used in this Section:

5 "Authority figure" means a person 18 years of age or older
6 who is not a student at a school but who is employed by,
7 volunteering at, an agent of, or under contract with the same
8 school a student attends, whether directly or through a firm
9 holding a contract with the school, and who holds a position of
10 trust, authority, or supervision in relation to a student in
11 the school.

12 "Educator" means a person who is employed at the same
13 school a student attends and who:

14 (1) instructs students at the school;

15 (2) administers, directs, or supervises the
16 educational instruction program or a portion of the
17 educational instruction program at the school;

18 (3) provides health or educational support services
19 directly to students at the school; or

20 (4) coaches students at the school.

21 "School" means a school district, charter school, or
22 nonpublic school that serves elementary or secondary students.

23 "Student" means any person enrolled or previously enrolled
24 in a school.

25 (b) A person commits abuse by an educator or authority

1 figure if that person is an educator or authority figure at the
2 school, the student is at least 18 years of age and is enrolled
3 or was previously enrolled in the school within the past year,
4 the person is at least 4 years older than the student, and the
5 person either:

6 (1) commits an act of sexual conduct with the student;

7 or

8 (2) commits an act of sexual penetration with the
9 student.

10 (c) Abuse by an educator or authority figure involving
11 sexual conduct is a Class A misdemeanor for the first offense
12 and a Class 4 felony for a second or subsequent offense or if
13 there is more than one victim.

14 (d) Abuse by an educator or authority figure involving
15 sexual penetration is a Class 4 felony for the first offense
16 and a Class 3 felony for a second or subsequent offense or if
17 there is more than one victim.

18 (e) Consent of the victim is not a defense to abuse by an
19 educator or authority figure."