



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4089

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.40 new
105 ILCS 5/34-18.34 new
30 ILCS 805/8.31 new

Amends the School Code. Provides that if a school district, upon request, provides information to another school district concerning the job performance or qualifications of an applicant for employment who is a current or former employee of the school district providing the information and that school district suspects that the current or former employee has abused a minor, then that school district shall inform the school district requesting the information of this suspicion. Provides that any school district, school board, or person participating in good faith in providing information of suspected abuse of a minor under these provisions shall have immunity from any liability, civil, criminal, or otherwise, that might result by reason of such action. Amends the State Mandates Act to require implementation without reimbursement. Effective immediately.

LRB095 11644 RAS 33779 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Sections
5 10-20.40 and 34-18.34 as follows:

6 (105 ILCS 5/10-20.40 new)

7 Sec. 10-20.40. Former employees; report suspected child
8 abuse to new employer.

9 (a) In this Section, "abuse of a minor" means:

10 (1) inflicting, causing to be inflicted, or allowing to
11 be inflicted upon a minor physical injury, by other than
12 accidental means, which causes death, disfigurement,
13 impairment of physical or emotional health, or loss or
14 impairment of any bodily function;

15 (2) creating a substantial risk of physical injury to a
16 minor by other than accidental means which would be likely
17 to cause death, disfigurement, impairment of physical or
18 emotional health, or loss or impairment of any bodily
19 function;

20 (3) committing or allowing to be committed any sex
21 offense against a minor, as such sex offenses are defined
22 in the Criminal Code of 1961 and extending those
23 definitions of sex offenses to include children under 18

1 years of age;

2 (4) committing or allowing to be committed an act or
3 acts of torture upon a minor;

4 (5) inflicting excessive corporal punishment upon a
5 minor;

6 (6) committing or allowing to be committed the offense
7 of female genital mutilation, as defined in Section 12-34
8 of the Criminal Code of 1961, against a minor; or

9 (7) causing to be sold, transferred, distributed, or
10 given to a minor, a controlled substance as defined in
11 Section 102 of the Illinois Controlled Substances Act, in
12 violation of Article IV of the Illinois Controlled
13 Substances Act or in violation of the Methamphetamine
14 Control and Community Protection Act, except for
15 controlled substances that are prescribed in accordance
16 with Article III of the Illinois Controlled Substances Act
17 and are dispensed to a minor in a manner that substantially
18 complies with the prescription.

19 (b) If a school district, upon request, provides
20 information to another school district concerning the job
21 performance or qualifications of an applicant for employment
22 who is a current or former employee of the school district
23 providing the information and that school district suspects
24 that the current or former employee has abused a minor, then
25 that school district shall inform the school district
26 requesting the information of this suspicion.

1 (c) Any school district, school board, or person
2 participating in good faith in providing information of
3 suspected abuse of a minor under this Section shall have
4 immunity from any liability, civil, criminal, or otherwise,
5 that might result by reason of such action. For the purpose of
6 any civil or criminal proceedings, the good faith of any
7 persons required to provide information on suspected abuse of a
8 minor under this Section shall be presumed.

9 (105 ILCS 5/34-18.34 new)

10 Sec. 34-18.34. Former employees; report suspected child
11 abuse to new employer.

12 (a) In this Section, "abuse of a minor" means:

13 (1) inflicting, causing to be inflicted, or allowing to
14 be inflicted upon a minor physical injury, by other than
15 accidental means, which causes death, disfigurement,
16 impairment of physical or emotional health, or loss or
17 impairment of any bodily function;

18 (2) creating a substantial risk of physical injury to a
19 minor by other than accidental means which would be likely
20 to cause death, disfigurement, impairment of physical or
21 emotional health, or loss or impairment of any bodily
22 function;

23 (3) committing or allowing to be committed any sex
24 offense against a minor, as such sex offenses are defined
25 in the Criminal Code of 1961 and extending those

1 definitions of sex offenses to include children under 18
2 years of age;

3 (4) committing or allowing to be committed an act or
4 acts of torture upon a minor;

5 (5) inflicting excessive corporal punishment upon a
6 minor;

7 (6) committing or allowing to be committed the offense
8 of female genital mutilation, as defined in Section 12-34
9 of the Criminal Code of 1961, against a minor; or

10 (7) causing to be sold, transferred, distributed, or
11 given to a minor, a controlled substance as defined in
12 Section 102 of the Illinois Controlled Substances Act, in
13 violation of Article IV of the Illinois Controlled
14 Substances Act or in violation of the Methamphetamine
15 Control and Community Protection Act, except for
16 controlled substances that are prescribed in accordance
17 with Article III of the Illinois Controlled Substances Act
18 and are dispensed to a minor in a manner that substantially
19 complies with the prescription.

20 (b) If the school district, upon request, provides
21 information to another school district concerning the job
22 performance or qualifications of an applicant for employment
23 who is a current or former employee of the school district and
24 the school district suspects that the current or former
25 employee has abused a minor, then the school district shall
26 inform the school district requesting the information of this

1 suspicion.

2 (c) The school district, the board, and any person
3 participating in good faith in providing information of
4 suspected abuse of a minor under this Section shall have
5 immunity from any liability, civil, criminal, or otherwise,
6 that might result by reason of such action. For the purpose of
7 any civil or criminal proceedings, the good faith of any
8 persons required to provide information on suspected abuse of a
9 minor under this Section shall be presumed.

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.31 as follows:

12 (30 ILCS 805/8.31 new)

13 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 95th General Assembly.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.