



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2978

by Rep. Camille Y. Lilly

SYNOPSIS AS INTRODUCED:

See Index

Makes changes in Sections concerning criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database. With respect to employees of person or firms holding contracts with more than one school district, adds a reference to the Statewide Child Murderer and Violent Offender Against Youth Database. Removes provisions concerning fingerprint-based criminal history records checks and checks of the Statewide Sex Offender Database and Statewide Child Murderer and Violent Offender Against Youth Database for student teachers in the public schools. Provides instead that, beginning on January 1, 2014, the provisions of these Sections shall apply to all student teachers assigned to public schools or nonpublic schools recognized by the State Board of Education. Provides that student teachers must undergo a Department of State Police and Federal Bureau of Investigation fingerprint-based criminal history records check, with authorization to conduct the criminal history records check furnished by the student teacher to the school to which the student teacher is assigned. Provides that the Department of State Police and the Federal Bureau of Investigation shall furnish records of convictions, until expunged, to the president of the school board for the school district that requested the check or the chief administrative officer of the nonpublic school that requested the check. Provides that the student teacher shall be required to pay all fees associated with conducting the criminal history records check. Provides that results of the check must also be furnished to the higher education institution where the student teacher is enrolled. Provides that no one may begin student teaching until results have been returned.

LRB098 09278 NHT 39418 b

FISCAL NOTE ACT
MAY APPLY

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 Sections
5 10-21.9 and 34-18.5 as follows:

6 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

7 Sec. 10-21.9. Criminal history records checks and checks of
8 the Statewide Sex Offender Database and Statewide Murderer and
9 Violent Offender Against Youth Database.

10 (a) Certified and noncertified applicants for employment
11 with a school district, except school bus driver applicants,
12 are required as a condition of employment to authorize a
13 fingerprint-based criminal history records check to determine
14 if such applicants have been convicted of any of the enumerated
15 criminal or drug offenses in subsection (c) of this Section or
16 have been convicted, within 7 years of the application for
17 employment with the school district, of any other felony under
18 the laws of this State or of any offense committed or attempted
19 in any other state or against the laws of the United States
20 that, if committed or attempted in this State, would have been
21 punishable as a felony under the laws of this State.
22 Authorization for the check shall be furnished by the applicant
23 to the school district, except that if the applicant is a

1 substitute teacher seeking employment in more than one school
2 district, a teacher seeking concurrent part-time employment
3 positions with more than one school district (as a reading
4 specialist, special education teacher or otherwise), or an
5 educational support personnel employee seeking employment
6 positions with more than one district, any such district may
7 require the applicant to furnish authorization for the check to
8 the regional superintendent of the educational service region
9 in which are located the school districts in which the
10 applicant is seeking employment as a substitute or concurrent
11 part-time teacher or concurrent educational support personnel
12 employee. Upon receipt of this authorization, the school
13 district or the appropriate regional superintendent, as the
14 case may be, shall submit the applicant's name, sex, race, date
15 of birth, social security number, fingerprint images, and other
16 identifiers, as prescribed by the Department of State Police,
17 to the Department. The regional superintendent submitting the
18 requisite information to the Department of State Police shall
19 promptly notify the school districts in which the applicant is
20 seeking employment as a substitute or concurrent part-time
21 teacher or concurrent educational support personnel employee
22 that the check of the applicant has been requested. The
23 Department of State Police and the Federal Bureau of
24 Investigation shall furnish, pursuant to a fingerprint-based
25 criminal history records check, records of convictions, until
26 expunged, to the president of the school board for the school

1 district that requested the check, or to the regional
2 superintendent who requested the check. The Department shall
3 charge the school district or the appropriate regional
4 superintendent a fee for conducting such check, which fee shall
5 be deposited in the State Police Services Fund and shall not
6 exceed the cost of the inquiry; and the applicant shall not be
7 charged a fee for such check by the school district or by the
8 regional superintendent, except that those applicants seeking
9 employment as a substitute teacher with a school district may
10 be charged a fee not to exceed the cost of the inquiry. Subject
11 to appropriations for these purposes, the State Superintendent
12 of Education shall reimburse school districts and regional
13 superintendents for fees paid to obtain criminal history
14 records checks under this Section.

15 (a-5) The school district or regional superintendent shall
16 further perform a check of the Statewide Sex Offender Database,
17 as authorized by the Sex Offender Community Notification Law,
18 for each applicant.

19 (a-6) The school district or regional superintendent shall
20 further perform a check of the Statewide Murderer and Violent
21 Offender Against Youth Database, as authorized by the Murderer
22 and Violent Offender Against Youth Community Notification Law,
23 for each applicant.

24 (b) Any information concerning the record of convictions
25 obtained by the president of the school board or the regional
26 superintendent shall be confidential and may only be

1 transmitted to the superintendent of the school district or his
2 designee, the appropriate regional superintendent if the check
3 was requested by the school district, the presidents of the
4 appropriate school boards if the check was requested from the
5 Department of State Police by the regional superintendent, the
6 State Superintendent of Education, the State Teacher
7 Certification Board, any other person necessary to the decision
8 of hiring the applicant for employment, or for clarification
9 purposes the Department of State Police or Statewide Sex
10 Offender Database, or both. A copy of the record of convictions
11 obtained from the Department of State Police shall be provided
12 to the applicant for employment. Upon the check of the
13 Statewide Sex Offender Database, the school district or
14 regional superintendent shall notify an applicant as to whether
15 or not the applicant has been identified in the Database as a
16 sex offender. If a check of an applicant for employment as a
17 substitute or concurrent part-time teacher or concurrent
18 educational support personnel employee in more than one school
19 district was requested by the regional superintendent, and the
20 Department of State Police upon a check ascertains that the
21 applicant has not been convicted of any of the enumerated
22 criminal or drug offenses in subsection (c) or has not been
23 convicted, within 7 years of the application for employment
24 with the school district, of any other felony under the laws of
25 this State or of any offense committed or attempted in any
26 other state or against the laws of the United States that, if

1 committed or attempted in this State, would have been
2 punishable as a felony under the laws of this State and so
3 notifies the regional superintendent and if the regional
4 superintendent upon a check ascertains that the applicant has
5 not been identified in the Sex Offender Database as a sex
6 offender, then the regional superintendent shall issue to the
7 applicant a certificate evidencing that as of the date
8 specified by the Department of State Police the applicant has
9 not been convicted of any of the enumerated criminal or drug
10 offenses in subsection (c) or has not been convicted, within 7
11 years of the application for employment with the school
12 district, of any other felony under the laws of this State or
13 of any offense committed or attempted in any other state or
14 against the laws of the United States that, if committed or
15 attempted in this State, would have been punishable as a felony
16 under the laws of this State and evidencing that as of the date
17 that the regional superintendent conducted a check of the
18 Statewide Sex Offender Database, the applicant has not been
19 identified in the Database as a sex offender. The school board
20 of any school district may rely on the certificate issued by
21 any regional superintendent to that substitute teacher,
22 concurrent part-time teacher, or concurrent educational
23 support personnel employee or may initiate its own criminal
24 history records check of the applicant through the Department
25 of State Police and its own check of the Statewide Sex Offender
26 Database as provided in subsection (a). Any person who releases

1 any confidential information concerning any criminal
2 convictions of an applicant for employment shall be guilty of a
3 Class A misdemeanor, unless the release of such information is
4 authorized by this Section.

5 (c) No school board shall knowingly employ a person who has
6 been convicted of any offense that would subject him or her to
7 license suspension or revocation pursuant to Section 21B-80 of
8 this Code. Further, no school board shall knowingly employ a
9 person who has been found to be the perpetrator of sexual or
10 physical abuse of any minor under 18 years of age pursuant to
11 proceedings under Article II of the Juvenile Court Act of 1987.

12 (d) No school board shall knowingly employ a person for
13 whom a criminal history records check and a Statewide Sex
14 Offender Database check has not been initiated.

15 (e) Upon receipt of the record of a conviction of or a
16 finding of child abuse by a holder of any certificate issued
17 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
18 Code, the State Superintendent of Education may initiate
19 certificate suspension and revocation proceedings as
20 authorized by law.

21 (e-5) The superintendent of the employing school board
22 shall, in writing, notify the State Superintendent of Education
23 and the applicable regional superintendent of schools of any
24 certificate holder whom he or she has reasonable cause to
25 believe has committed an intentional act of abuse or neglect
26 with the result of making a child an abused child or a

1 neglected child, as defined in Section 3 of the Abused and
2 Neglected Child Reporting Act, and that act resulted in the
3 certificate holder's dismissal or resignation from the school
4 district. This notification must be submitted within 30 days
5 after the dismissal or resignation. The certificate holder must
6 also be contemporaneously sent a copy of the notice by the
7 superintendent. All correspondence, documentation, and other
8 information so received by the regional superintendent of
9 schools, the State Superintendent of Education, the State Board
10 of Education, or the State Teacher Certification Board under
11 this subsection (e-5) is confidential and must not be disclosed
12 to third parties, except (i) as necessary for the State
13 Superintendent of Education or his or her designee to
14 investigate and prosecute pursuant to Article 21 of this Code,
15 (ii) pursuant to a court order, (iii) for disclosure to the
16 certificate holder or his or her representative, or (iv) as
17 otherwise provided in this Article and provided that any such
18 information admitted into evidence in a hearing is exempt from
19 this confidentiality and non-disclosure requirement. Except
20 for an act of willful or wanton misconduct, any superintendent
21 who provides notification as required in this subsection (e-5)
22 shall have immunity from any liability, whether civil or
23 criminal or that otherwise might result by reason of such
24 action.

25 (f) After January 1, 1990 the provisions of this Section
26 shall apply to all employees of persons or firms holding

1 contracts with any school district including, but not limited
2 to, food service workers, school bus drivers and other
3 transportation employees, who have direct, daily contact with
4 the pupils of any school in such district. For purposes of
5 criminal history records checks and checks of the Statewide Sex
6 Offender Database on employees of persons or firms holding
7 contracts with more than one school district and assigned to
8 more than one school district, the regional superintendent of
9 the educational service region in which the contracting school
10 districts are located may, at the request of any such school
11 district, be responsible for receiving the authorization for a
12 criminal history records check prepared by each such employee
13 and submitting the same to the Department of State Police and
14 for conducting a check of the Statewide Sex Offender Database
15 and the Statewide Child Murderer and Violent Offender Against
16 Youth Database for each employee. Any information concerning
17 the record of conviction and identification as a sex offender
18 of any such employee obtained by the regional superintendent
19 shall be promptly reported to the president of the appropriate
20 school board or school boards.

21 (g) Beginning on January 1, 2014, the provisions of this
22 Section shall apply to all student teachers, as defined by
23 State Board of Education rule, assigned to public schools or
24 nonpublic schools recognized by the State Board pursuant to
25 Section 2-3.25o of this Code. Student teachers must undergo a
26 Department of State Police and Federal Bureau of Investigation

1 fingerprint-based criminal history records check.
2 Authorization to conduct the criminal history records check
3 must be furnished by the student teacher to the school to which
4 the student teacher is assigned. The Department of State Police
5 and the Federal Bureau of Investigation shall furnish, pursuant
6 to a fingerprint-based criminal history records check, records
7 of convictions, until expunged, to the president of the school
8 board for the school district that requested the check or the
9 chief administrative officer of the nonpublic school that
10 requested the check. The Department of State Police shall
11 charge a fee for conducting the check, which fee must be
12 deposited into the State Police Services Fund and must not
13 exceed the cost of the inquiry. The student teacher shall be
14 required to pay all fees associated with conducting the
15 criminal history records check, as well as any other
16 application fees as established by rule including, but not
17 limited to, the fee established by the Department of State
18 Police and the Federal Bureau of Investigation to process
19 fingerprint-based criminal history records checks. Results of
20 the check must also be furnished by the school district or
21 nonpublic school to the higher education institution where the
22 student teacher is enrolled. No one may begin student teaching
23 until the results of the criminal history records check have
24 been returned to the school district or nonpublic school. ~~In~~
25 order to student teach in the public schools, a person is
26 required to authorize a fingerprint based criminal history

1 ~~records check and checks of the Statewide Sex Offender Database~~
2 ~~and Statewide Murderer and Violent Offender Against Youth~~
3 ~~Database prior to participating in any field experiences in the~~
4 ~~public schools. Authorization for and payment of the costs of~~
5 ~~the checks must be furnished by the student teacher. Results of~~
6 ~~the checks must be furnished to the higher education~~
7 ~~institution where the student teacher is enrolled and the~~
8 ~~superintendent of the school district where the student is~~
9 ~~assigned.~~

10 (h) Upon request of a school, school district, community
11 college district, or private school, any information obtained
12 by a school district pursuant to subsection (f) of this Section
13 within the last year must be made available to that school,
14 school district, community college district, or private
15 school.

16 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
17 96-1489, eff. 1-1-11; 97-154, eff. 1-1-12; 97-248, eff. 1-1-12;
18 97-607, eff. 8-26-11; 97-813, eff. 7-13-12.)

19 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

20 Sec. 34-18.5. Criminal history records checks and checks of
21 the Statewide Sex Offender Database and Statewide Murderer and
22 Violent Offender Against Youth Database.

23 (a) Certified and noncertified applicants for employment
24 with the school district are required as a condition of
25 employment to authorize a fingerprint-based criminal history

1 records check to determine if such applicants have been
2 convicted of any of the enumerated criminal or drug offenses in
3 subsection (c) of this Section or have been convicted, within 7
4 years of the application for employment with the school
5 district, of any other felony under the laws of this State or
6 of any offense committed or attempted in any other state or
7 against the laws of the United States that, if committed or
8 attempted in this State, would have been punishable as a felony
9 under the laws of this State. Authorization for the check shall
10 be furnished by the applicant to the school district, except
11 that if the applicant is a substitute teacher seeking
12 employment in more than one school district, or a teacher
13 seeking concurrent part-time employment positions with more
14 than one school district (as a reading specialist, special
15 education teacher or otherwise), or an educational support
16 personnel employee seeking employment positions with more than
17 one district, any such district may require the applicant to
18 furnish authorization for the check to the regional
19 superintendent of the educational service region in which are
20 located the school districts in which the applicant is seeking
21 employment as a substitute or concurrent part-time teacher or
22 concurrent educational support personnel employee. Upon
23 receipt of this authorization, the school district or the
24 appropriate regional superintendent, as the case may be, shall
25 submit the applicant's name, sex, race, date of birth, social
26 security number, fingerprint images, and other identifiers, as

1 prescribed by the Department of State Police, to the
2 Department. The regional superintendent submitting the
3 requisite information to the Department of State Police shall
4 promptly notify the school districts in which the applicant is
5 seeking employment as a substitute or concurrent part-time
6 teacher or concurrent educational support personnel employee
7 that the check of the applicant has been requested. The
8 Department of State Police and the Federal Bureau of
9 Investigation shall furnish, pursuant to a fingerprint-based
10 criminal history records check, records of convictions, until
11 expunged, to the president of the school board for the school
12 district that requested the check, or to the regional
13 superintendent who requested the check. The Department shall
14 charge the school district or the appropriate regional
15 superintendent a fee for conducting such check, which fee shall
16 be deposited in the State Police Services Fund and shall not
17 exceed the cost of the inquiry; and the applicant shall not be
18 charged a fee for such check by the school district or by the
19 regional superintendent. Subject to appropriations for these
20 purposes, the State Superintendent of Education shall
21 reimburse the school district and regional superintendent for
22 fees paid to obtain criminal history records checks under this
23 Section.

24 (a-5) The school district or regional superintendent shall
25 further perform a check of the Statewide Sex Offender Database,
26 as authorized by the Sex Offender Community Notification Law,

1 for each applicant.

2 (a-6) The school district or regional superintendent shall
3 further perform a check of the Statewide Murderer and Violent
4 Offender Against Youth Database, as authorized by the Murderer
5 and Violent Offender Against Youth Community Notification Law,
6 for each applicant.

7 (b) Any information concerning the record of convictions
8 obtained by the president of the board of education or the
9 regional superintendent shall be confidential and may only be
10 transmitted to the general superintendent of the school
11 district or his designee, the appropriate regional
12 superintendent if the check was requested by the board of
13 education for the school district, the presidents of the
14 appropriate board of education or school boards if the check
15 was requested from the Department of State Police by the
16 regional superintendent, the State Superintendent of
17 Education, the State Teacher Certification Board or any other
18 person necessary to the decision of hiring the applicant for
19 employment. A copy of the record of convictions obtained from
20 the Department of State Police shall be provided to the
21 applicant for employment. Upon the check of the Statewide Sex
22 Offender Database, the school district or regional
23 superintendent shall notify an applicant as to whether or not
24 the applicant has been identified in the Database as a sex
25 offender. If a check of an applicant for employment as a
26 substitute or concurrent part-time teacher or concurrent

1 educational support personnel employee in more than one school
2 district was requested by the regional superintendent, and the
3 Department of State Police upon a check ascertains that the
4 applicant has not been convicted of any of the enumerated
5 criminal or drug offenses in subsection (c) or has not been
6 convicted, within 7 years of the application for employment
7 with the school district, of any other felony under the laws of
8 this State or of any offense committed or attempted in any
9 other state or against the laws of the United States that, if
10 committed or attempted in this State, would have been
11 punishable as a felony under the laws of this State and so
12 notifies the regional superintendent and if the regional
13 superintendent upon a check ascertains that the applicant has
14 not been identified in the Sex Offender Database as a sex
15 offender, then the regional superintendent shall issue to the
16 applicant a certificate evidencing that as of the date
17 specified by the Department of State Police the applicant has
18 not been convicted of any of the enumerated criminal or drug
19 offenses in subsection (c) or has not been convicted, within 7
20 years of the application for employment with the school
21 district, of any other felony under the laws of this State or
22 of any offense committed or attempted in any other state or
23 against the laws of the United States that, if committed or
24 attempted in this State, would have been punishable as a felony
25 under the laws of this State and evidencing that as of the date
26 that the regional superintendent conducted a check of the

1 Statewide Sex Offender Database, the applicant has not been
2 identified in the Database as a sex offender. The school board
3 of any school district may rely on the certificate issued by
4 any regional superintendent to that substitute teacher,
5 concurrent part-time teacher, or concurrent educational
6 support personnel employee or may initiate its own criminal
7 history records check of the applicant through the Department
8 of State Police and its own check of the Statewide Sex Offender
9 Database as provided in subsection (a). Any person who releases
10 any confidential information concerning any criminal
11 convictions of an applicant for employment shall be guilty of a
12 Class A misdemeanor, unless the release of such information is
13 authorized by this Section.

14 (c) The board of education shall not knowingly employ a
15 person who has been convicted of any offense that would subject
16 him or her to license suspension or revocation pursuant to
17 Section 21B-80 of this Code. Further, the board of education
18 shall not knowingly employ a person who has been found to be
19 the perpetrator of sexual or physical abuse of any minor under
20 18 years of age pursuant to proceedings under Article II of the
21 Juvenile Court Act of 1987.

22 (d) The board of education shall not knowingly employ a
23 person for whom a criminal history records check and a
24 Statewide Sex Offender Database check has not been initiated.

25 (e) Upon receipt of the record of a conviction of or a
26 finding of child abuse by a holder of any certificate issued

1 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
2 Code, the State Superintendent of Education may initiate
3 certificate suspension and revocation proceedings as
4 authorized by law.

5 (e-5) The general superintendent of schools shall, in
6 writing, notify the State Superintendent of Education of any
7 certificate holder whom he or she has reasonable cause to
8 believe has committed an intentional act of abuse or neglect
9 with the result of making a child an abused child or a
10 neglected child, as defined in Section 3 of the Abused and
11 Neglected Child Reporting Act, and that act resulted in the
12 certificate holder's dismissal or resignation from the school
13 district. This notification must be submitted within 30 days
14 after the dismissal or resignation. The certificate holder must
15 also be contemporaneously sent a copy of the notice by the
16 superintendent. All correspondence, documentation, and other
17 information so received by the State Superintendent of
18 Education, the State Board of Education, or the State Teacher
19 Certification Board under this subsection (e-5) is
20 confidential and must not be disclosed to third parties, except
21 (i) as necessary for the State Superintendent of Education or
22 his or her designee to investigate and prosecute pursuant to
23 Article 21 of this Code, (ii) pursuant to a court order, (iii)
24 for disclosure to the certificate holder or his or her
25 representative, or (iv) as otherwise provided in this Article
26 and provided that any such information admitted into evidence

1 in a hearing is exempt from this confidentiality and
2 non-disclosure requirement. Except for an act of willful or
3 wanton misconduct, any superintendent who provides
4 notification as required in this subsection (e-5) shall have
5 immunity from any liability, whether civil or criminal or that
6 otherwise might result by reason of such action.

7 (f) After March 19, 1990, the provisions of this Section
8 shall apply to all employees of persons or firms holding
9 contracts with any school district including, but not limited
10 to, food service workers, school bus drivers and other
11 transportation employees, who have direct, daily contact with
12 the pupils of any school in such district. For purposes of
13 criminal history records checks and checks of the Statewide Sex
14 Offender Database on employees of persons or firms holding
15 contracts with more than one school district and assigned to
16 more than one school district, the regional superintendent of
17 the educational service region in which the contracting school
18 districts are located may, at the request of any such school
19 district, be responsible for receiving the authorization for a
20 criminal history records check prepared by each such employee
21 and submitting the same to the Department of State Police and
22 for conducting a check of the Statewide Sex Offender Database
23 and the Statewide Child Murderer and Violent Offender Against
24 Youth Database for each employee. Any information concerning
25 the record of conviction and identification as a sex offender
26 of any such employee obtained by the regional superintendent

1 shall be promptly reported to the president of the appropriate
2 school board or school boards.

3 (g) Beginning on January 1, 2014, the provisions of this
4 Section shall apply to all student teachers, as defined by
5 State Board of Education rule, assigned to public schools.
6 Student teachers must undergo a Department of State Police and
7 Federal Bureau of Investigation fingerprint-based criminal
8 history records check. Authorization to conduct the criminal
9 history records check must be furnished by the student teacher
10 to the school to which the student teacher is assigned. The
11 Department of State Police and the Federal Bureau of
12 Investigation shall furnish, pursuant to a fingerprint-based
13 criminal history records check, records of convictions, until
14 expunged, to the president of the Chicago Board of Education.
15 The Department of State Police shall charge a fee for
16 conducting the check, which fee must be deposited into the
17 State Police Services Fund and must not exceed the cost of the
18 inquiry. The student teacher shall be required to pay all fees
19 associated with conducting the criminal history records check,
20 as well as any other application fees as established by rule
21 including, but not limited to, the fee established by the
22 Department of State Police and the Federal Bureau of
23 Investigation to process fingerprint-based criminal history
24 records checks. Results of the check must also be furnished by
25 the school district to the higher education institution where
26 the student teacher is enrolled. No one may begin student

1 teaching until the results of the criminal history records
2 check have been returned to the school district. ~~In order to~~
3 ~~student teach in the public schools, a person is required to~~
4 ~~authorize a fingerprint-based criminal history records check~~
5 ~~and checks of the Statewide Sex Offender Database and Statewide~~
6 ~~Murderer and Violent Offender Against Youth Database prior to~~
7 ~~participating in any field experiences in the public schools.~~
8 ~~Authorization for and payment of the costs of the checks must~~
9 ~~be furnished by the student teacher. Results of the checks must~~
10 ~~be furnished to the higher education institution where the~~
11 ~~student teacher is enrolled and the general superintendent of~~
12 ~~schools.~~

13 (h) Upon request of a school, school district, community
14 college district, or private school, any information obtained
15 by the school district pursuant to subsection (f) of this
16 Section within the last year must be made available to that
17 school, school district, community college district, or
18 private school.

19 (Source: P.A. 96-431, eff. 8-13-09; 96-1452, eff. 8-20-10;
20 97-154, eff. 1-1-12; 97-248, eff. 1-1-12; 97-607, eff. 8-26-11;
21 97-813, eff. 7-13-12.)

1 INDEX

2 Statutes amended in order of appearance

3 105 ILCS 5/10-21.9 from Ch. 122, par. 10-21.9

4 105 ILCS 5/34-18.5 from Ch. 122, par. 34-18.5