



Rep. Amy Elik

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10300HB4241ham002

LRB103 35346 RLC 72084 a

1 AMENDMENT TO HOUSE BILL 4241

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

5 "Section 5. The School Code is amended by changing Section
6 21B-80 as follows:

7 (105 ILCS 5/21B-80)

8 Sec. 21B-80. Conviction of certain offenses as grounds for
9 disqualification for licensure or suspension or revocation of
10 a license.

11 (a) As used in this Section:

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

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

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

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

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

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

23 (5) Any offense committed or attempted in any other
24 state or against the laws of the United States that, if
25 committed or attempted in this State, would have been
26 punishable as one or more of the offenses listed in items

1 (1) through (4) of this definition.

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

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

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

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

26 (B) Any attempt to commit any of the offenses listed

1 in item (A) of this definition.

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

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

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

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

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

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

1 Section 10. The Criminal Code of 2012 is amended by adding
2 Section 11-9.6 as follows:

3 (720 ILCS 5/11-9.6 new)

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

5 (a) As used in this Section:

6 "Authority figure" means a person 18 years of age or older
7 who is not a student at a school but who at the time of the act
8 of sexual conduct or the act of sexual penetration is employed
9 by, volunteering at, an agent of, or under contract with the
10 same school a student attends, whether directly or through a
11 firm holding a contract with the school.

12 "Educator" means a person who is employed at the same
13 school a student attends and who at the time of the act of
14 sexual conduct or the act of sexual penetration:

15 (1) instructs students at the school;

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

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

21 (4) coaches students at the school.

22 "School" means a public or nonpublic secondary school.

23 "Student" means any person enrolled in a school.

24 (b) A person commits abuse by an educator or authority
25 figure if that person is an educator or authority figure at the

1 school, the student is at least 18 years of age but under 23
2 years of age, the person is at least 4 years older than the
3 student and holds or held within the previous year a position
4 of trust, authority, or supervision in relation to the student
5 in connection with an educational or extracurricular program
6 or activity, and the person either:

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

8 or

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

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

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

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