

1 AMENDMENT TO HOUSE BILL 565

2 AMENDMENT NO. _____. Amend House Bill 565 by replacing
3 the title with the following:

4 "AN ACT in relation to criminal history records."; and
5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Secretary of State Merit Employment
8 Code is amended by changing Section 10b.1 as follows:

9 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

10 Sec. 10b.1. (a) Competitive examinations. For open
11 competitive examinations to test the relative fitness of
12 applicants for the respective positions. Tests shall be
13 designed to eliminate those who are not qualified for
14 entrance into the Office of the Secretary of State and to
15 discover the relative fitness of those who are qualified.
16 The Director may use any one of or any combination of the
17 following examination methods which in his judgment best
18 serves this end: investigation of education and experience;
19 test of cultural knowledge; test of capacity; test of
20 knowledge; test of manual skill; test of linguistic ability;
21 test of character; test of physical skill; test of

1 psychological fitness. No person with a record of
2 misdemeanor convictions except those under Sections 11-6,
3 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
4 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
5 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and
6 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code
7 of 1961, or arrested for any cause but not convicted thereon
8 shall be disqualified from taking such examinations or
9 subsequent appointment unless the person is attempting to
10 qualify for a position which would give him the powers of a
11 peace officer, in which case the person's conviction or
12 arrest record may be considered as a factor in determining
13 the person's fitness for the position. All examinations
14 shall be announced publicly at least 2 weeks in advance of
15 the date of examinations and may be advertised through the
16 press, radio or other media.

17 The Director may, at his discretion, accept the results
18 of competitive examinations conducted by any merit system
19 established by Federal law or by the law of any State, and
20 may compile eligible lists therefrom or may add the names of
21 successful candidates in examinations conducted by those
22 merit systems to existing eligible lists in accordance with
23 their respective ratings. No person who is a non-resident of
24 the State of Illinois may be appointed from those eligible
25 lists, however, unless the requirement that applicants be
26 residents of the State of Illinois is waived by the Director
27 of Personnel and unless there are less than 3 Illinois
28 residents available for appointment from the appropriate
29 eligible list. The results of the examinations conducted by
30 other merit systems may not be used unless they are
31 comparable in difficulty and comprehensiveness to
32 examinations conducted by the Department of Personnel for
33 similar positions. Special linguistic options may also be
34 established where deemed appropriate.

1 (b) The Director of Personnel may require that each
2 person seeking employment with the Secretary of State, as
3 part of the application process, authorize an investigation
4 to determine if the applicant has ever been convicted of a
5 crime and if so, the disposition of those convictions; this
6 authorization shall indicate the scope of the inquiry and the
7 agencies which may be contacted. Upon this authorization,
8 the Director of Personnel may request and receive information
9 and assistance from any federal, state or local governmental
10 agency as part of the authorized investigation. The
11 investigation shall be undertaken after the fingerprinting of
12 an applicant in the form and manner prescribed by the
13 Department of State Police. The investigation shall consist
14 of a criminal history records check performed by the
15 Department of State Police and the Federal Bureau of
16 Investigation, or some other entity that has the ability to
17 check the applicant's fingerprints against the fingerprint
18 records now and hereafter filed in the Department of State
19 Police and Federal Bureau of Investigation criminal history
20 records databases. If the Department of State Police and the
21 Federal Bureau of Investigation conduct an investigation
22 directly for the Secretary of State's Office, then the
23 Department of State Police shall charge a fee for conducting
24 the criminal history records check, which shall be deposited
25 in the State Police Services Fund and shall not exceed the
26 actual cost of the records check. The Department of State
27 Police shall provide information concerning any criminal
28 convictions, and their disposition, brought against the
29 applicant or prospective employee of the Secretary of State
30 upon request of the Department of Personnel when the request
31 is made in the form and manner required by the Department of
32 State Police. The information derived from this
33 investigation, including the source of this information, and
34 any conclusions or recommendations derived from this

1 information by the Director of Personnel shall be provided to
2 the applicant or prospective employee, or his designee, upon
3 request to the Director of Personnel prior to any final
4 action by the Director of Personnel on the application. No
5 information obtained from such investigation may be placed in
6 any automated information system. Any criminal convictions
7 and their disposition information obtained by the Director of
8 Personnel shall be confidential and may not be transmitted
9 outside the Office of the Secretary of State, except as
10 required herein, and may not be transmitted to anyone within
11 the Office of the Secretary of State except as needed for the
12 purpose of evaluating the application. The only physical
13 identity materials which the applicant or prospective
14 employee can be required to provide the Director of Personnel
15 are photographs or fingerprints; these shall be returned to
16 the applicant or prospective employee upon request to the
17 Director of Personnel, after the investigation has been
18 completed and no copy of these materials may be kept by the
19 Director of Personnel or any agency to which such identity
20 materials were transmitted. Only information and standards
21 which bear a reasonable and rational relation to the
22 performance of an employee shall be used by the Director of
23 Personnel. The Secretary of State shall adopt rules and
24 regulations for the administration of this Section. Any
25 employee of the Secretary of State who gives or causes to be
26 given away any confidential information concerning any
27 criminal convictions and their disposition of an applicant or
28 prospective employee shall be guilty of a Class A misdemeanor
29 unless release of such information is authorized by this
30 Section.

31 (Source: P.A. 84-25.)

32 Section 6. The Park District Code is amended by changing
33 Section 8-23 as follows:

1 (70 ILCS 1205/8-23)

2 Sec. 8-23. Criminal background investigations.

3 (a) An applicant for employment with a park district is
4 required as a condition of employment to authorize an
5 investigation to determine if the applicant has been
6 convicted of any of the enumerated criminal or drug offenses
7 in subsection (c) of this Section or has been convicted,
8 within 7 years of the application for employment with the
9 park district, of any other felony under the laws of this
10 State or of any offense committed or attempted in any other
11 state or against the laws of the United States that, if
12 committed or attempted in this State, would have been
13 punishable as a felony under the laws of this State.
14 Authorization for the investigation shall be furnished by the
15 applicant to the park district. Upon receipt of this
16 authorization, the park district shall submit the applicant's
17 name, sex, race, date of birth, and social security number to
18 the Department of State Police on forms prescribed by the
19 Department of State Police. The Department of State Police
20 shall conduct a search of the Illinois criminal history
21 records database ~~an--investigation~~ to ascertain if the
22 applicant being considered for employment has been convicted
23 of committing or attempting to commit any of the enumerated
24 criminal or drug offenses in subsection (c) of this Section
25 or has been convicted of committing or attempting to commit,
26 within 7 years of the application for employment with the
27 park district, ~~of any other felony under the laws of this~~
28 ~~State or--of-any-offense-committed-or-attempted-in-any-other~~
29 ~~state-or-against-the-laws--of--the--United--States--that,~~ ~~if~~
30 ~~committed--or--attempted--in--this--State,~~ ~~would--have--been~~
31 ~~punishable--as--a--felony--under-the-laws-of-this-State.~~ The
32 Department of State Police shall charge the park district a
33 fee for conducting the investigation, which fee shall be
34 deposited in the State Police Services Fund and shall not

1 exceed the cost of the inquiry. The applicant shall not be
2 charged a fee by the park district for the investigation.

3 (b) If the search of the Illinois criminal history
4 record database indicates that the applicant has been
5 convicted of committing or attempting to commit any of the
6 enumerated criminal or drug offenses in subsection (c) or has
7 been convicted of committing or attempting to commit, within
8 7 years of the application for employment with the park
9 district, any other felony under the laws of this State, the
10 Department of State Police and the Federal Bureau of
11 Investigation shall furnish, pursuant to a fingerprint based
12 background check ~~positive~~---identificatien, records of
13 convictions, until expunged, to the president of the park
14 district. Any information concerning the record of
15 convictions obtained by the president shall be confidential
16 and may only be transmitted to those persons who are
17 necessary to the decision on whether to hire the applicant
18 for employment. A copy of the record of convictions obtained
19 from the Department of State Police shall be provided to the
20 applicant for employment. Any person who releases any
21 confidential information concerning any criminal convictions
22 of an applicant for employment shall be guilty of a Class A
23 misdemeanor, unless the release of such information is
24 authorized by this Section.

25 (c) No park district shall knowingly employ a person who
26 has been convicted for committing attempted first degree
27 murder or for committing or attempting to commit first degree
28 murder, a Class X felony, or any one or more of the following
29 offenses: (i) those defined in Sections 11-6, 11-9, 11-14,
30 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
31 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and
32 12-16 of the Criminal Code of 1961; (ii) those defined in the
33 Cannabis Control Act, except those defined in Sections 4(a),
34 4(b), and 5(a) of that Act; (iii) those defined in the

1 Illinois Controlled Substances Act; and (iv) any offense
2 committed or attempted in any other state or against the laws
3 of the United States, which, if committed or attempted in
4 this State, would have been punishable as one or more of the
5 foregoing offenses. Further, no park district shall
6 knowingly employ a person who has been found to be the
7 perpetrator of sexual or physical abuse of any minor under 18
8 years of age pursuant to proceedings under Article II of the
9 Juvenile Court Act of 1987. No park district shall knowingly
10 employ a person for whom a criminal background investigation
11 has not been initiated.

12 (Source: P.A. 91-885, eff. 7-6-00.)

13 Section 7. The Chicago Park District Act is amended by
14 changing Section 16a-5 as follows:

15 (70 ILCS 1505/16a-5)

16 Sec. 16a-5. Criminal background investigations.

17 (a) An applicant for employment with the Chicago Park
18 District is required as a condition of employment to
19 authorize an investigation to determine if the applicant has
20 been convicted of any of the enumerated criminal or drug
21 offenses in subsection (c) of this Section or has been
22 convicted, within 7 years of the application for employment
23 with the Chicago Park District, of any other felony under the
24 laws of this State or of any offense committed or attempted
25 in any other state or against the laws of the United States
26 that, if committed or attempted in this State, would have
27 been punishable as a felony under the laws of this State.
28 Authorization for the investigation shall be furnished by the
29 applicant to the Chicago Park District. Upon receipt of this
30 authorization, the Chicago Park District shall submit the
31 applicant's name, sex, race, date of birth, and social
32 security number to the Department of State Police on forms

1 prescribed by the Department of State Police. The Department
2 of State Police shall conduct a search of the Illinois
3 criminal history record information database an investigation
4 to ascertain if the applicant being considered for employment
5 has been convicted of committing or attempting to commit any
6 of the enumerated criminal or drug offenses in subsection (c)
7 of this Section or has been convicted, of committing or
8 attempting to commit within 7 years of the application for
9 employment with the Chicago Park District, ~~of any other~~
10 ~~felony under the laws of this State or--of--any--offense~~
11 ~~committed-or-attempted-in-any-other-state-or-against-the-laws~~
12 ~~of--the-United-States-that,-if-committed-or-attempted-in-this~~
13 ~~State,-would-have-been-punishable-as-a-felony-under-the--laws~~
14 ~~of--this--State.~~ The Department of State Police shall charge
15 the Chicago Park District a fee for conducting the
16 investigation, which fee shall be deposited in the State
17 Police Services Fund and shall not exceed the cost of the
18 inquiry. The applicant shall not be charged a fee by the
19 Chicago Park District for the investigation.

20 (b) If the search of the Illinois criminal history
21 record database indicates that the applicant has been
22 convicted of committing or attempting to commit any of the
23 enumerated criminal or drug offenses in subsection (c) or has
24 been convicted of committing or attempting to commit, within
25 7 years of the application for employment with the Chicago
26 Park District, any other felony under the laws of this State,
27 the Department of State Police and the Federal Bureau of
28 Investigation shall furnish, pursuant to a fingerprint based
29 background check, ~~positive---identification,~~ records of
30 convictions, until expunged, to the General Superintendent
31 and Chief Executive Officer of the Chicago Park District.
32 Any information concerning the record of convictions obtained
33 by the General Superintendent and Chief Executive Officer
34 shall be confidential and may only be transmitted to those

1 persons who are necessary to the decision on whether to hire
2 the applicant for employment. A copy of the record of
3 convictions obtained from the Department of State Police
4 shall be provided to the applicant for employment. Any
5 person who releases any confidential information concerning
6 any criminal convictions of an applicant for employment shall
7 be guilty of a Class A misdemeanor, unless the release of
8 such information is authorized by this Section.

9 (c) The Chicago Park District may not knowingly employ a
10 person who has been convicted for committing attempted first
11 degree murder or for committing or attempting to commit first
12 degree murder, a Class X felony, or any one or more of the
13 following offenses: (i) those defined in Sections 11-6,
14 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
15 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,
16 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)
17 those defined in the Cannabis Control Act, except those
18 defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii)
19 those defined in the Illinois Controlled Substances Act; and
20 (iv) any offense committed or attempted in any other state or
21 against the laws of the United States, which, if committed or
22 attempted in this State, would have been punishable as one or
23 more of the foregoing offenses. Further, the Chicago Park
24 District may not knowingly employ a person who has been found
25 to be the perpetrator of sexual or physical abuse of any
26 minor under 18 years of age pursuant to proceedings under
27 Article II of the Juvenile Court Act of 1987. The Chicago
28 Park District may not knowingly employ a person for whom a
29 criminal background investigation has not been initiated.

30 (Source: P.A. 91-885, eff. 7-6-00.)

31 Section 10. The School Code is amended by changing
32 Sections 10-21.9 and 34-18.5 as follows:

1 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

2 Sec. 10-21.9. Criminal background investigations.

3 (a) After August 1, 1985, certified and noncertified
4 applicants for employment with a school district, except
5 school bus driver applicants, are required as a condition of
6 employment to authorize an investigation to determine if such
7 applicants have been convicted of any of the enumerated
8 criminal or drug offenses in subsection (c) of this Section
9 or have been convicted, within 7 years of the application for
10 employment with the school district, of any other felony
11 under the laws of this State or of any offense committed or
12 attempted in any other state or against the laws of the
13 United States that, if committed or attempted in this State,
14 would have been punishable as a felony under the laws of this
15 State. Authorization for the investigation shall be furnished
16 by the applicant to the school district, except that if the
17 applicant is a substitute teacher seeking employment in more
18 than one school district, a teacher seeking concurrent
19 part-time employment positions with more than one school
20 district (as a reading specialist, special education teacher
21 or otherwise), or an educational support personnel employee
22 seeking employment positions with more than one district, any
23 such district may require the applicant to furnish
24 authorization for the investigation to the regional
25 superintendent of the educational service region in which are
26 located the school districts in which the applicant is
27 seeking employment as a substitute or concurrent part-time
28 teacher or concurrent educational support personnel employee.
29 Upon receipt of this authorization, the school district or
30 the appropriate regional superintendent, as the case may be,
31 shall submit the applicant's name, sex, race, date of birth
32 and social security number to the Department of State Police
33 on forms prescribed by the Department. The regional
34 superintendent submitting the requisite information to the

1 Department of State Police shall promptly notify the school
2 districts in which the applicant is seeking employment as a
3 substitute or concurrent part-time teacher or concurrent
4 educational support personnel employee that the investigation
5 of the applicant has been requested. The Department of State
6 Police shall conduct a search of the Illinois criminal
7 history records database an-investigation to ascertain if the
8 applicant being considered for employment has been convicted
9 of committing or attempting to commit any of the enumerated
10 criminal or drug offenses in subsection (c) or has been
11 convicted of committing or attempting to commit, within 7
12 years of the application for employment with the school
13 district, of any other felony under the laws of this State or
14 of any offense committed or attempted in any other state or
15 against the laws of the United States that, if committed or
16 attempted in this State, would have been punishable as a
17 felony under the laws of this State. The Department shall
18 charge the school district or the appropriate regional
19 superintendent a fee for conducting such investigation, which
20 fee shall be deposited in the State Police Services Fund and
21 shall not exceed the cost of the inquiry; and the applicant
22 shall not be charged a fee for such investigation by the
23 school district or by the regional superintendent. The
24 regional superintendent may seek reimbursement from the State
25 Board of Education or the appropriate school district or
26 districts for fees paid by the regional superintendent to the
27 Department for the criminal background investigations
28 required by this Section.

29 (b) If the search of the Illinois criminal history
30 records database indicates that the applicant has been
31 convicted of committing or attempting to commit any of the
32 enumerated criminal or drug offenses in subsection (c) or has
33 been convicted of committing or attempting to commit, within
34 7 years before the application for employment with the school

1 district, any other felony under the laws of this State, the
2 Department and the Federal Bureau of Investigation shall
3 furnish, pursuant to a fingerprint based background check
4 ~~positive---~~identification, records of convictions, until
5 expunged, to the president of the school board for the school
6 district which requested the investigation, or to the
7 regional superintendent who requested the investigation. Any
8 information concerning the record of convictions obtained by
9 the president of the school board or the regional
10 superintendent shall be confidential and may only be
11 transmitted to the superintendent of the school district or
12 his designee, the appropriate regional superintendent if the
13 investigation was requested by the school district, the
14 presidents of the appropriate school boards if the
15 investigation was requested from the Department of State
16 Police by the regional superintendent, the State
17 Superintendent of Education, the State Teacher Certification
18 Board or any other person necessary to the decision of hiring
19 the applicant for employment. A copy of the record of
20 convictions obtained from the Department of State Police
21 shall be provided to the applicant for employment. If an
22 investigation of an applicant for employment as a substitute
23 or concurrent part-time teacher or concurrent educational
24 support personnel employee in more than one school district
25 was requested by the regional superintendent, and the
26 Department of State Police upon investigation ascertains that
27 the applicant has not been convicted of any of the enumerated
28 criminal or drug offenses in subsection (c) or has not been
29 convicted, within 7 years of the application for employment
30 with the school district, of any other felony under the laws
31 of this State or of any offense committed or attempted in any
32 other state or against the laws of the United States that, if
33 committed or attempted in this State, would have been
34 punishable as a felony under the laws of this State and so

1 notifies the regional superintendent, then the regional
2 superintendent shall issue to the applicant a certificate
3 evidencing that as of the date specified by the Department of
4 State Police the applicant has not been convicted of any of
5 the enumerated criminal or drug offenses in subsection (c) or
6 has not been convicted, within 7 years of the application for
7 employment with the school district, of any other felony
8 under the laws of this State or of any offense committed or
9 attempted in any other state or against the laws of the
10 United States that, if committed or attempted in this State,
11 would have been punishable as a felony under the laws of this
12 State. The school board of any school district located in
13 the educational service region served by the regional
14 superintendent who issues such a certificate to an applicant
15 for employment as a substitute teacher in more than one such
16 district may rely on the certificate issued by the regional
17 superintendent to that applicant, or may initiate its own
18 investigation of the applicant through the Department of
19 State Police as provided in subsection (a). Any person who
20 releases any confidential information concerning any criminal
21 convictions of an applicant for employment shall be guilty of
22 a Class A misdemeanor, unless the release of such information
23 is authorized by this Section.

24 (c) No school board shall knowingly employ a person who
25 has been convicted for committing attempted first degree
26 murder or for committing or attempting to commit first degree
27 murder or a Class X felony or any one or more of the
28 following offenses: (i) those defined in Sections 11-6, 11-9,
29 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
30 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15
31 and 12-16 of the "Criminal Code of 1961"; (ii) those defined
32 in the "Cannabis Control Act" except those defined in
33 Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined
34 in the "Illinois Controlled Substances Act"; and (iv) any

1 offense committed or attempted in any other state or against
2 the laws of the United States, which if committed or
3 attempted in this State, would have been punishable as one or
4 more of the foregoing offenses. Further, no school board
5 shall knowingly employ a person who has been found to be the
6 perpetrator of sexual or physical abuse of any minor under 18
7 years of age pursuant to proceedings under Article II of the
8 Juvenile Court Act of 1987.

9 (d) No school board shall knowingly employ a person for
10 whom a criminal background investigation has not been
11 initiated.

12 (e) Upon receipt of the record of a conviction of or a
13 finding of child abuse by a holder of any certificate issued
14 pursuant to Article 21 or Section 34-8.1 or 34-83 of the
15 School Code, the appropriate regional superintendent of
16 schools or the State Superintendent of Education shall
17 initiate the certificate suspension and revocation
18 proceedings authorized by law.

19 (f) After January 1, 1990 the provisions of this Section
20 shall apply to all employees of persons or firms holding
21 contracts with any school district including, but not limited
22 to, food service workers, school bus drivers and other
23 transportation employees, who have direct, daily contact with
24 the pupils of any school in such district. For purposes of
25 criminal background investigations on employees of persons or
26 firms holding contracts with more than one school district
27 and assigned to more than one school district, the regional
28 superintendent of the educational service region in which the
29 contracting school districts are located may, at the request
30 of any such school district, be responsible for receiving the
31 authorization for investigation prepared by each such
32 employee and submitting the same to the Department of State
33 Police. Any information concerning the record of conviction
34 of any such employee obtained by the regional superintendent

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

3 (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

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

5 Sec. 34-18.5. Criminal background investigations.

6 (a) After August 1, 1985, certified and noncertified
7 applicants for employment with the school district are
8 required as a condition of employment to authorize an
9 investigation to determine if such applicants have been
10 convicted of any of the enumerated criminal or drug offenses
11 in subsection (c) of this Section or have been convicted,
12 within 7 years of the application for employment with the
13 school district, of any other felony under the laws of this
14 State or of any offense committed or attempted in any other
15 state or against the laws of the United States that, if
16 committed or attempted in this State, would have been
17 punishable as a felony under the laws of this State.
18 Authorization for the investigation shall be furnished by the
19 applicant to the school district, except that if the
20 applicant is a substitute teacher seeking employment in more
21 than one school district, or a teacher seeking concurrent
22 part-time employment positions with more than one school
23 district (as a reading specialist, special education teacher
24 or otherwise), or an educational support personnel employee
25 seeking employment positions with more than one district, any
26 such district may require the applicant to furnish
27 authorization for the investigation to the regional
28 superintendent of the educational service region in which are
29 located the school districts in which the applicant is
30 seeking employment as a substitute or concurrent part-time
31 teacher or concurrent educational support personnel employee.
32 Upon receipt of this authorization, the school district or
33 the appropriate regional superintendent, as the case may be,

1 shall submit the applicant's name, sex, race, date of birth
2 and social security number to the Department of State Police
3 on forms prescribed by the Department. The regional
4 superintendent submitting the requisite information to the
5 Department of State Police shall promptly notify the school
6 districts in which the applicant is seeking employment as a
7 substitute or concurrent part-time teacher or concurrent
8 educational support personnel employee that the investigation
9 of the applicant has been requested. The Department of State
10 Police shall conduct a search of the Illinois Criminal
11 history record information database an--investigation to
12 ascertain if the applicant being considered for employment
13 has been convicted of committing or attempting to commit any
14 of the enumerated criminal or drug offenses in subsection (c)
15 or has been convicted of committing or attempting to commit,
16 within 7 years of the application for employment with the
17 school district, ~~of any other felony under the laws of this~~
18 ~~State or of any offense committed or attempted in any other~~
19 ~~state or against the laws of the United States that, if~~
20 ~~committed or attempted in this State, would have been~~
21 ~~punishable as a felony under the laws of this State.~~ The
22 Department shall charge the school district or the
23 appropriate regional superintendent a fee for conducting such
24 investigation, which fee shall be deposited in the State
25 Police Services Fund and shall not exceed the cost of the
26 inquiry; and the applicant shall not be charged a fee for
27 such investigation by the school district or by the regional
28 superintendent. The regional superintendent may seek
29 reimbursement from the State Board of Education or the
30 appropriate school district or districts for fees paid by the
31 regional superintendent to the Department for the criminal
32 background investigations required by this Section.

33 (b) If the search of the Illinois criminal history
34 records database indicates that the applicant has been

1 convicted of committing or attempting to commit any of the
2 enumerated criminal or drug offenses in subsection (c) or has
3 been convicted of committing or attempting to commit, within
4 7 years of the application for employment with the school
5 district, any other felony under the laws of this State, the
6 Department and the Federal Bureau of Investigation shall
7 furnish, pursuant to a fingerprint based background check
8 ~~positive--identification~~, records of convictions, until
9 expunged, to the president of the board of education for the
10 school district which requested the investigation, or to the
11 regional superintendent who requested the investigation. Any
12 information concerning the record of convictions obtained by
13 the president of the board of education or the regional
14 superintendent shall be confidential and may only be
15 transmitted to the general superintendent of the school
16 district or his designee, the appropriate regional
17 superintendent if the investigation was requested by the
18 board of education for the school district, the presidents of
19 the appropriate board of education or school boards if the
20 investigation was requested from the Department of State
21 Police by the regional superintendent, the State
22 Superintendent of Education, the State Teacher Certification
23 Board or any other person necessary to the decision of hiring
24 the applicant for employment. A copy of the record of
25 convictions obtained from the Department of State Police
26 shall be provided to the applicant for employment. If an
27 investigation of an applicant for employment as a substitute
28 or concurrent part-time teacher or concurrent educational
29 support personnel employee in more than one school district
30 was requested by the regional superintendent, and the
31 Department of State Police upon investigation ascertains that
32 the applicant has not been convicted of any of the enumerated
33 criminal or drug offenses in subsection (c) or has not been
34 convicted, within 7 years of the application for employment

1 with the school district, of any other felony under the laws
2 of this State or of any offense committed or attempted in any
3 other state or against the laws of the United States that, if
4 committed or attempted in this State, would have been
5 punishable as a felony under the laws of this State and so
6 notifies the regional superintendent, then the regional
7 superintendent shall issue to the applicant a certificate
8 evidencing that as of the date specified by the Department of
9 State Police the applicant has not been convicted of any of
10 the enumerated criminal or drug offenses in subsection (c) or
11 has not been convicted, within 7 years of the application for
12 employment with the school district, of any other felony
13 under the laws of this State or of any offense committed or
14 attempted in any other state or against the laws of the
15 United States that, if committed or attempted in this State,
16 would have been punishable as a felony under the laws of this
17 State. The school board of any school district located in
18 the educational service region served by the regional
19 superintendent who issues such a certificate to an applicant
20 for employment as a substitute or concurrent part-time
21 teacher or concurrent educational support personnel employee
22 in more than one such district may rely on the certificate
23 issued by the regional superintendent to that applicant, or
24 may initiate its own investigation of the applicant through
25 the Department of State Police as provided in subsection (a).
26 Any person who releases any confidential information
27 concerning any criminal convictions of an applicant for
28 employment shall be guilty of a Class A misdemeanor, unless
29 the release of such information is authorized by this
30 Section.

31 (c) The board of education shall not knowingly employ a
32 person who has been convicted for committing attempted first
33 degree murder or for committing or attempting to commit first
34 degree murder or a Class X felony or any one or more of the

1 following offenses: (i) those defined in Sections 11-6,
2 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
3 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,
4 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii)
5 those defined in the Cannabis Control Act, except those
6 defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii)
7 those defined in the Illinois Controlled Substances Act; and
8 (iv) any offense committed or attempted in any other state or
9 against the laws of the United States, which if committed or
10 attempted in this State, would have been punishable as one or
11 more of the foregoing offenses. Further, the board of
12 education shall not knowingly employ a person who has been
13 found to be the perpetrator of sexual or physical abuse of
14 any minor under 18 years of age pursuant to proceedings under
15 Article II of the Juvenile Court Act of 1987.

16 (d) The board of education shall not knowingly employ a
17 person for whom a criminal background investigation has not
18 been initiated.

19 (e) Upon receipt of the record of a conviction of or a
20 finding of child abuse by a holder of any certificate issued
21 pursuant to Article 21 or Section 34-8.1 or 34-83 of the
22 School Code, the board of education or the State
23 Superintendent of Education shall initiate the certificate
24 suspension and revocation proceedings authorized by law.

25 (f) After March 19, 1990, the provisions of this Section
26 shall apply to all employees of persons or firms holding
27 contracts with any school district including, but not limited
28 to, food service workers, school bus drivers and other
29 transportation employees, who have direct, daily contact with
30 the pupils of any school in such district. For purposes of
31 criminal background investigations on employees of persons or
32 firms holding contracts with more than one school district
33 and assigned to more than one school district, the regional
34 superintendent of the educational service region in which the

1 contracting school districts are located may, at the request
2 of any such school district, be responsible for receiving the
3 authorization for investigation prepared by each such
4 employee and submitting the same to the Department of State
5 Police. Any information concerning the record of conviction
6 of any such employee obtained by the regional superintendent
7 shall be promptly reported to the president of the
8 appropriate school board or school boards.

9 (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

10 Section 15. The Child Care Act of 1969 is amended by
11 changing Section 4.1 as follows:

12 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

13 Sec. 4.1. Criminal Background Investigations. The
14 Department shall require that each child care facility
15 license applicant as part of the application process, and
16 each employee of a child care facility as a condition of
17 employment, authorize an investigation to determine if such
18 applicant or employee has ever been charged with a crime and
19 if so, the disposition of those charges; this authorization
20 shall indicate the scope of the inquiry and the agencies
21 which may be contacted. Upon this authorization, the Director
22 shall request and receive information and assistance from any
23 federal, State or local governmental agency as part of the
24 authorized investigation. Each applicant shall submit his or
25 her fingerprints to the Department of State Police in the
26 form and manner prescribed by the Department of State Police.
27 These fingerprints shall be checked against the fingerprint
28 records now and hereafter filed in the Department of State
29 Police and Federal Bureau of Investigation criminal history
30 records databases. The Department of State Police shall
31 charge a fee for conducting the criminal history records
32 check, which shall be deposited in the State Police Services

1 Fund and shall not exceed the actual cost of the records
2 check. The Department of State Police shall provide
3 information concerning any criminal charges, and their
4 disposition, now or hereafter filed, against an applicant or
5 child care facility employee upon request of the Department
6 of Children and Family Services when the request is made in
7 the form and manner required by the Department of State
8 Police.

9 Information concerning convictions of a license applicant
10 investigated under this Section, including the source of the
11 information and any conclusions or recommendations derived
12 from the information, shall be provided, upon request, to
13 such applicant prior to final action by the Department on the
14 application. State conviction information provided by the
15 Department of State Police regarding ~~Sueh-information-on~~
16 ~~convictions-of~~ employees or prospective employees of child
17 care facilities licensed under this Act shall be provided to
18 the operator of such facility, and, upon request, to the
19 employee or prospective employee. Any information concerning
20 criminal charges and the disposition of such charges obtained
21 by the Department shall be confidential and may not be
22 transmitted outside the Department, except as required
23 herein, and may not be transmitted to anyone within the
24 Department except as needed for the purpose of evaluating an
25 application or a child care facility employee. Only
26 information and standards which bear a reasonable and
27 rational relation to the performance of a child care facility
28 shall be used by the Department or any licensee. Any employee
29 of the Department of Children and Family Services, Department
30 of State Police, or a child care facility receiving
31 confidential information under this Section who gives or
32 causes to be given any confidential information concerning
33 any criminal convictions of a child care facility applicant,
34 or child care facility employee, shall be guilty of a Class A

1 misdemeanor unless release of such information is authorized
2 by this Section.

3 A child care facility may hire, on a probationary basis,
4 any employee authorizing a criminal background investigation
5 under this Section, pending the result of such investigation.
6 Employees shall be notified prior to hiring that such
7 employment may be terminated on the basis of criminal
8 background information obtained by the facility.

9 (Source: P.A. 84-158.)

10 Section 20. The Nursing and Advanced Practice Nursing
11 Act is amended by changing Section 5-23 as follows:

12 (225 ILCS 65/5-23)

13 (Section scheduled to be repealed on January 1, 2008)

14 Sec. 5-23. Criminal background check. After the
15 effective date of this amendatory Act of the 91st General
16 Assembly, the Department shall require an applicant for
17 initial licensure under this Act to submit to a criminal
18 background check by the Illinois State Police and the Federal
19 Bureau of Investigation as part of the qualification for
20 licensure. If an applicant's criminal background check
21 indicates criminal conviction, the applicant must further
22 submit to a fingerprint-based criminal background check. The
23 applicant's name, sex, race, date of birth, and social
24 security number shall be forwarded to the Illinois State
25 Police to be searched against the Illinois criminal history
26 records database in the form and manner prescribed by the
27 Illinois State Police. The Illinois State Police shall
28 charge a fee for conducting the search, which shall be
29 deposited in the State Police Services Fund and shall not
30 exceed the cost of the inquiry. If a search of the Illinois
31 criminal history records database indicates that the
32 applicant has a conviction record, a fingerprint based

1 criminal history records check shall be required. Each
2 applicant requiring a fingerprint based search shall submit
3 his or her fingerprints to the Illinois State Police in the
4 form and manner prescribed by the Illinois State Police.
5 These fingerprints shall be checked against the fingerprint
6 records now and hereafter filed in the Illinois State Police
7 and Federal Bureau of Investigation criminal history records
8 databases. The Illinois State Police shall charge a fee for
9 conducting the criminal history records check, which shall be
10 deposited in the State Police Services Fund and shall not
11 exceed the actual cost of the records check. The Illinois
12 State Police shall furnish, pursuant to positive
13 identification, records of Illinois convictions to the
14 Department. The Department shall adopt rules to implement
15 this Section.

16 (Source: P.A. 91-369, eff. 1-1-00; 92-744, eff. 7-25-02.)

17 Section 25. The Illinois Horse Racing Act of 1975 is
18 amended by changing Section 15 as follows:

19 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

20 Sec. 15. (a) The Board shall, in its discretion, issue
21 occupation licenses to horse owners, trainers, harness
22 drivers, jockeys, agents, apprentices, grooms, stable
23 foremen, exercise persons, veterinarians, valets,
24 blacksmiths, concessionaires and others designated by the
25 Board whose work, in whole or in part, is conducted upon
26 facilities within the State. Such occupation licenses will
27 be obtained prior to the persons engaging in their vocation
28 upon such facilities. The Board shall not license pari-mutuel
29 clerks, parking attendants, security guards and employees of
30 concessionaires. No occupation license shall be required of
31 any person who works at facilities within this State as a
32 pari-mutuel clerk, parking attendant, security guard or as an

1 employee of a concessionaire. Concessionaires of the Illinois
2 State Fair and DuQuoin State Fair and employees of the
3 Illinois Department of Agriculture shall not be required to
4 obtain an occupation license by the Board.

5 (b) Each application for an occupation license shall be
6 on forms prescribed by the Board. Such license, when issued,
7 shall be for the period ending December 31 of each year,
8 except that the Board in its discretion may grant 3-year
9 licenses. The application shall be accompanied by a fee of
10 not more than \$25 per year or, in the case of 3-year
11 occupation license applications, a fee of not more than \$60.
12 Each applicant shall set forth in the application his full
13 name and address, and if he had been issued prior occupation
14 licenses or has been licensed in any other state under any
15 other name, such name, his age, whether or not a permit or
16 license issued to him in any other state has been suspended
17 or revoked and if so whether such suspension or revocation is
18 in effect at the time of the application, and such other
19 information as the Board may require. Fees for registration
20 of stable names shall not exceed \$50.00.

21 (c) The Board may in its discretion refuse an occupation
22 license to any person:

- 23 (1) who has been convicted of a crime;
- 24 (2) who is unqualified to perform the duties
25 required of such applicant;
- 26 (3) who fails to disclose or states falsely any
27 information called for in the application;
- 28 (4) who has been found guilty of a violation of
29 this Act or of the rules and regulations of the Board; or
- 30 (5) whose license or permit has been suspended,
31 revoked or denied for just cause in any other state.

32 (d) The Board may suspend or revoke any occupation
33 license:

- 34 (1) for violation of any of the provisions of this

1 Act; or

2 (2) for violation of any of the rules or
3 regulations of the Board; or

4 (3) for any cause which, if known to the Board,
5 would have justified the Board in refusing to issue such
6 occupation license; or

7 (4) for any other just cause.

8 (e) Each applicant shall submit his or her fingerprints
9 to the Department of State Police in the form and manner
10 prescribed by the Department of State Police. These
11 fingerprints shall be checked against the fingerprint records
12 now and hereafter filed in the Department of State Police and
13 Federal Bureau of Investigation criminal history records
14 databases. The Department of State Police shall charge a fee
15 for conducting the criminal history records check, which
16 shall be deposited in the State Police Services Fund and
17 shall not exceed the actual cost of the records check. The
18 Department of State Police shall furnish, pursuant to
19 positive identification, records of conviction to the Board.

20 Each applicant for licensure shall submit with his occupation
21 license application, on forms provided by the Board, 2 sets
22 of his fingerprints. All such applicants shall appear in
23 person at the location designated by the Board for the
24 purpose of submitting such sets of fingerprints; however,
25 with the prior approval of a State steward, an applicant may
26 have such sets of fingerprints taken by an official law
27 enforcement agency and submitted to the Board.

28 ~~The Board shall cause one set of such fingerprints to be~~
29 ~~compared with fingerprints of criminals now or hereafter~~
30 ~~filed in the records of the Illinois Department of State~~
31 ~~Police. The Board shall also cause such fingerprints to be~~
32 ~~compared with fingerprints of criminals now or hereafter~~
33 ~~filed in the records of other official fingerprint files~~
34 ~~within or without this State.~~

1 The Board may, in its discretion, require the applicant
2 to pay a fee for the purpose of having his fingerprints
3 processed. The fingerprint processing fee shall be set
4 annually by the Director of State Police, based upon actual
5 costs.

6 (f) The Board may, in its discretion, issue an
7 occupation license without submission of fingerprints if an
8 applicant has been duly licensed in another recognized racing
9 jurisdiction after submitting fingerprints that were
10 subjected to a Federal Bureau of Investigation criminal
11 history background check in that jurisdiction.

12 (Source: P.A. 91-40, eff. 6-25-99.)

13 Section 30. The Riverboat Gambling Act is amended by
14 changing Section 22 as follows:

15 (230 ILCS 10/22) (from Ch. 120, par. 2422)

16 Sec. 22. Criminal history record information. Whenever
17 the Board is authorized or required by law to consider some
18 aspect of criminal history record information for the purpose
19 of carrying out its statutory powers and responsibilities,
20 the Board shall, in the form and manner required by the
21 Department of State Police and the Federal Bureau of
22 Investigation, cause to be conducted a criminal history
23 record investigation to obtain any information currently or
24 hereafter contained in the files of the Department of State
25 Police or the Federal Bureau of Investigation. Each applicant
26 for occupational licensing under Section 9 or key person as
27 defined by the Board in administrative rules shall submit his
28 or her fingerprints to the Department of State Police in the
29 form and manner prescribed by the Department of State Police.
30 These fingerprints shall be checked against the fingerprint
31 records now and hereafter filed in the Department of State
32 Police and Federal Bureau of Investigation criminal history

1 records databases. The Department of State Police shall
2 charge a fee for conducting the criminal history records
3 check, which shall be deposited in the State Police Services
4 Fund and shall not exceed the actual cost of the records
5 check. The Department of State Police shall provide, on the
6 Board's request, information concerning any criminal charges,
7 and their disposition, currently or thereafter filed against
8 an applicant for or holder of an occupational license.
9 Information obtained as a result of an investigation under
10 this Section shall be used in determining eligibility for an
11 occupational license under Section 9. Upon request and
12 payment of fees in conformance with the requirements of
13 Section 2605-400 of the Department of State Police Law (20
14 ILCS 2605/2605-400), the Department of State Police is
15 authorized to furnish, pursuant to positive identification,
16 such information contained in State files as is necessary to
17 fulfill the request.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 Section 35. The Liquor Control Act of 1934 is amended by
20 changing Section 4-7 as follows:

21 (235 ILCS 5/4-7) (from Ch. 43, par. 114a)

22 Sec. 4-7. The local liquor control commissioner shall
23 have the right to require fingerprints of any applicant for a
24 local license or for a renewal thereof other than an
25 applicant who is an air carrier operating under a certificate
26 or a foreign air permit issued pursuant to the Federal
27 Aviation Act of 1958. Each applicant shall submit his or her
28 fingerprints to the Department of State Police in the form
29 and manner prescribed by the Department of State Police.
30 These fingerprints shall be checked against the fingerprint
31 records now and hereafter filed in the Department of State
32 Police and Federal Bureau of Investigation criminal history

1 records databases. The Department of State Police shall
2 charge a fee for conducting the criminal history records
3 check, which shall be deposited in the State Police Services
4 Fund and shall not exceed the actual cost of the records
5 check. The Department of State Police shall furnish pursuant
6 to positive identification, records of conviction to the
7 local liquor control commissioner. For purposes of obtaining
8 fingerprints under this Section, the local liquor
9 commissioner shall collect a fee and forward the fee to the
10 appropriate policing body who shall submit the fingerprints
11 and the fee to the Illinois Department of State Police.

12 (Source: P.A. 84-1081.)

13 Section 40. The Housing Authorities Act is amended by
14 changing Section 25 as follows:

15 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

16 Sec. 25. Rentals and tenant selection. In the operation
17 or management of housing projects an Authority shall at all
18 times observe the following duties with respect to rentals
19 and tenant selection:

20 (a) It shall not accept any person as a tenant in any
21 dwelling in a housing project if the persons who would occupy
22 the dwelling have an aggregate annual income which equals or
23 exceeds the amount which the Authority determines (which
24 determination shall be conclusive) to be necessary in order
25 to enable such persons to secure safe, sanitary and
26 uncongested dwelling accommodations within the area of
27 operation of the Authority and to provide an adequate
28 standard of living for themselves.

29 (b) It may rent or lease the dwelling accommodations
30 therein only at rentals within the financial reach of persons
31 who lack the amount of income which it determines (pursuant
32 to (a) of this Section) to be necessary in order to obtain

1 safe, sanitary and uncongested dwelling accommodations within
2 the area of operation of the Authority and to provide an
3 adequate standard of living.

4 (c) It may rent or lease to a tenant a dwelling
5 consisting of the number of rooms (but no greater number)
6 which it deems necessary to provide safe and sanitary
7 accommodations to the proposed occupants thereof, without
8 overcrowding.

9 (d) It shall not change the residency preference of any
10 prospective tenant once the application has been accepted by
11 the authority.

12 (e) It may refuse to renew the tenancy of any person if,
13 after due notice and an impartial hearing, that person or any
14 of the proposed occupants of the dwelling has, during a term
15 of tenancy or occupancy in any housing project operated by an
16 Authority, been convicted of a criminal offense relating to
17 the sale or distribution of controlled substances under the
18 laws of this State, the United States or any other state.
19 Confirmation of conviction data shall be determined by a
20 fingerprint based criminal history records check. In such
21 cases, the tenant or proposed occupant to whom the
22 disqualifying conviction record belongs shall have his or her
23 fingerprints submitted to the Department of State Police in
24 the form and manner prescribed by the Department of State
25 Police. These fingerprints shall be checked against the
26 fingerprint records now and hereafter filed in the Department
27 of State Police and Federal Bureau of Investigation criminal
28 history records databases. The Department of State Police
29 shall charge a fee for conducting the criminal history
30 records check, which shall be deposited in the State Police
31 Services Fund and shall not exceed the actual cost of the
32 records check. The Department of State Police shall furnish
33 pursuant to positive identification, records of conviction to
34 the Authority.

1 (f) It may, if a tenant has created or maintained a
2 threat constituting a serious and clear danger to the health
3 or safety of other tenants or Authority employees, after 3
4 days' written notice of termination and without a hearing,
5 file suit against any such tenant for recovery of possession
6 of the premises. The tenant shall be given the opportunity
7 to contest the termination in the court proceedings. A
8 serious and clear danger to the health or safety of other
9 tenants or Authority employees shall include, but not be
10 limited to, any of the following activities of the tenant or
11 of any other person on the premises with the consent of the
12 tenant:

13 (1) Physical assault or the threat of physical
14 assault.

15 (2) Illegal use of a firearm or other weapon or the
16 threat to use in an illegal manner a firearm or other
17 weapon.

18 (3) Possession of a controlled substance by the
19 tenant or any other person on the premises with the
20 consent of the tenant if the tenant knew or should have
21 known of the possession by the other person of a
22 controlled substance, unless the controlled substance was
23 obtained directly from or pursuant to a valid
24 prescription.

25 (4) Streetgang membership as defined in the
26 Illinois Streetgang Terrorism Omnibus Prevention Act.

27 The management of low-rent public housing projects
28 financed and developed under the U.S. Housing Act of 1937
29 shall be in accordance with that Act.

30 Nothing contained in this Section or any other Section of
31 this Act shall be construed as limiting the power of an
32 Authority to vest in a bondholder or trustee the right, in
33 the event of a default by the Authority, to take possession
34 and operate a housing project or cause the appointment of a

1 receiver thereof, free from all restrictions imposed by this
2 Section or any other Section of this Act.

3 (Source: P.A. 89-351, eff. 1-1-96.)

4 Section 45. The Illinois Vehicle Code is amended by
5 changing Sections 6-411 and 18a-200 as follows:

6 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

7 Sec. 6-411. Qualifications of Driver Training
8 Instructors. In order to qualify for a license as an
9 instructor for a driving school, an applicant must:

10 (a) Be of good moral character;

11 (b) Authorize an investigation to determine if the
12 applicant has ever been convicted of a crime and if so, the
13 disposition of those convictions; this authorization shall
14 indicate the scope of the inquiry and the agencies which may
15 be contacted. Upon this authorization the Secretary of State
16 may request and receive information and assistance from any
17 federal, state or local governmental agency as part of the
18 authorized investigation. Each applicant shall submit his or
19 her fingerprints to the Department of State Police in the
20 form and manner prescribed by the Department of State Police.
21 These fingerprints shall be checked against the fingerprint
22 records now and hereafter filed in the Department of State
23 Police and Federal Bureau of Investigation criminal history
24 records databases. The Department of State Police shall
25 charge a fee for conducting the criminal history records
26 check, which shall be deposited in the State Police Services
27 Fund and shall not exceed the actual cost of the records
28 check. The Department of State Police shall provide
29 information concerning any criminal convictions, and their
30 disposition, brought against the applicant upon request of
31 the Secretary of State when the request is made in the form
32 and manner required by the Department of State Police. The

1 information derived from this investigation including the
2 source of this information, and any conclusions or
3 recommendations derived from this information by the
4 Secretary of State shall be provided to the applicant, or his
5 designee, upon request to the Secretary of State, prior to
6 any final action by the Secretary of State on the
7 application. No information obtained from such investigation
8 may be placed in any automated information system. Any
9 criminal convictions and their disposition information
10 obtained by the Secretary of State shall be confidential and
11 may not be transmitted outside the Office of the Secretary of
12 State, except as required herein, and may not be transmitted
13 to anyone within the Office of the Secretary of State except
14 as needed for the purpose of evaluating the applicant. The
15 only physical identity materials which the applicant can be
16 required to provide the Secretary of State are photographs or
17 fingerprints; these shall be returned to the applicant upon
18 request to the Secretary of State, after the investigation
19 has been completed and no copy of these materials may be kept
20 by the Secretary of State or any agency to which such
21 identity materials were transmitted. Only information and
22 standards which bear a reasonable and rational relation to
23 the performance of a driver training instructor shall be used
24 by the Secretary of State. Any employee of the Secretary of
25 State who gives or causes to be given away any confidential
26 information concerning any criminal charges and their
27 disposition of an applicant shall be guilty of a Class A
28 misdemeanor unless release of such information is authorized
29 by this Section;

30 (c) Pass such examination as the Secretary of State
31 shall require on (1) traffic laws, (2) safe driving
32 practices, (3) operation of motor vehicles, and (4)
33 qualifications of teacher;

34 (d) Be physically able to operate safely a motor vehicle

1 and to train others in the operation of motor vehicles. An
2 instructors license application must be accompanied by a
3 medical examination report completed by a competent physician
4 licensed to practice in the State of Illinois;

5 (e) Hold a valid Illinois drivers license;

6 (f) Have graduated from an accredited high school after
7 at least 4 years of high school education or the equivalent;
8 and

9 (g) Pay to the Secretary of State an application and
10 license fee of \$35.

11 If a driver training school class room instructor teaches
12 an approved driver education course, as defined in Section
13 1-103 of this Code, to students under 18 years of age, he or
14 she shall furnish to the Secretary of State a certificate
15 issued by the State Board of Education that the said
16 instructor is qualified and meets the minimum educational
17 standards for teaching driver education courses in the local
18 public or parochial school systems, except that no State
19 Board of Education certification shall be required of any
20 instructor who teaches exclusively in a commercial driving
21 school. On and after July 1, 1986, the existing rules and
22 regulations of the State Board of Education concerning
23 commercial driving schools shall continue to remain in effect
24 but shall be administered by the Secretary of State until
25 such time as the Secretary of State shall amend or repeal the
26 rules in accordance with The Illinois Administrative
27 Procedure Act. Upon request, the Secretary of State shall
28 issue a certificate of completion to a student under 18 years
29 of age who has completed an approved driver education course
30 at a commercial driving school.

31 (Source: P.A. 87-829; 87-832.)

32 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

33 Sec. 18a-200. General powers and duties of Commission.

1 The Commission shall:

2 (1) Regulate commercial vehicle relocators and their
3 employees or agents in accordance with this Chapter and to
4 that end may establish reasonable requirements with respect
5 to proper service and practices relating thereto;

6 (2) Require the maintenance of uniform systems of
7 accounts, records and the preservation thereof;

8 (3) Require that all drivers and other personnel used in
9 relocation be employees of a licensed relocator;

10 (4) Regulate equipment leasing to and by relocators;

11 (5) Adopt reasonable and proper rules covering the
12 exercise of powers conferred upon it by this Chapter, and
13 reasonable rules governing investigations, hearings and
14 proceedings under this Chapter;

15 (6) Set reasonable rates for the commercial towing or
16 removal of trespassing vehicles from private property. The
17 rates shall not exceed the mean average of the 5 highest
18 rates for police tows within the territory to which this
19 Chapter applies that are performed under Sections 4-201 and
20 4-214 of this Code and that are of record at hearing;
21 provided that the Commission shall not re-calculate the
22 maximum specified herein if the order containing the previous
23 calculation was entered within one calendar year of the date
24 on which the new order is entered. Set reasonable rates for
25 the storage, for periods in excess of 24 hours, of the
26 vehicles in connection with the towing or removal; however,
27 no relocator shall impose charges for storage for the first
28 24 hours after towing or removal. Set reasonable rates for
29 other services provided by relocators, provided that the
30 rates shall not be charged to the owner or operator of a
31 relocated vehicle. Any fee charged by a relocator for the
32 use of a credit card that is used to pay for any service
33 rendered by the relocator shall be included in the total
34 amount that shall not exceed the maximum reasonable rate

1 established by the Commission. The Commission shall require
2 a relocater to refund any amount charged in excess of the
3 reasonable rate established by the Commission, including any
4 fee for the use of a credit card;

5 (7) Investigate and maintain current files of the
6 criminal records, if any, of all relocaters and their
7 employees and of all applicants for relocater's license,
8 operator's licenses and dispatcher's licenses. If the
9 Commission determines that an applicant for a license issued
10 under this Chapter will be subjected to a criminal history
11 records check, the applicant shall submit his or her
12 fingerprints to the Department of State Police in the form
13 and manner prescribed by the Department of State Police.
14 These Fingerprints shall be checked against the Department of
15 State Police and Federal Bureau of Investigation criminal
16 history record information databases now and hereafter filed.
17 The Department of State Police shall charge the applicant a
18 fee for conducting the criminal history records check, which
19 shall be deposited in the State Police Services Fund and
20 shall not exceed the actual cost of the records check. The
21 Department of State Police shall furnish pursuant to positive
22 identification, records of conviction to the Commission;

23 (8) Issue relocater's licenses, dispatcher's employment
24 permits, and operator's employment permits in accordance with
25 Article IV of this Chapter;

26 (9) Establish fitness standards for applicants seeking
27 relocater licensees and holders of relocater licenses;

28 (10) Upon verified complaint in writing by any person,
29 organization or body politic, or upon its own initiative may,
30 investigate whether any commercial vehicle relocater,
31 operator, dispatcher, or person otherwise required to comply
32 with any provision of this Chapter or any rule promulgated
33 hereunder, has failed to comply with any provision or rule;

34 (11) Whenever the Commission receives notice from the

1 Secretary of State that any domestic or foreign corporation
2 regulated under this Chapter has not paid a franchise tax,
3 license fee or penalty required under the Business
4 Corporation Act of 1983, institute proceedings for the
5 revocation of the license or right to engage in any business
6 required under this Chapter or the suspension thereof until
7 such time as the delinquent franchise tax, license fee or
8 penalty is paid.

9 (Source: P.A. 88-448.)

10 Section 50. The Adoption Act is amended by changing
11 Section 6 as follows:

12 (750 ILCS 50/6) (from Ch. 40, par. 1508)

13 Sec. 6. A. Investigation; all cases. Within 10 days
14 after the filing of a petition for the adoption or standby
15 adoption of a child other than a related child, the court
16 shall appoint a child welfare agency approved by the
17 Department of Children and Family Services, or a person
18 deemed competent by the court, or in Cook County the Court
19 Services Division of the Cook County Department of Public
20 Aid, or the Department of Children and Family Services if the
21 court determines that no child welfare agency is available or
22 that the petitioner is financially unable to pay for the
23 investigation, to investigate accurately, fully and promptly,
24 the allegations contained in the petition; the character,
25 reputation, health and general standing in the community of
26 the petitioners; the religious faith of the petitioners and,
27 if ascertainable, of the child sought to be adopted; and
28 whether the petitioners are proper persons to adopt the child
29 and whether the child is a proper subject of adoption. The
30 investigation required under this Section shall include a
31 fingerprint based criminal background check with a review of
32 fingerprints by the Illinois State Police and Federal Bureau

1 of Investigation authorities. Each petitioner subject to this
2 investigation, shall submit his or her fingerprints to the
3 Department of State Police in the form and manner prescribed
4 by the Department of State Police. These fingerprints shall
5 be checked against the fingerprint records now and hereafter
6 filed in the Department of State Police and Federal Bureau of
7 Investigation criminal history records databases. The
8 Department of State Police shall charge a fee for conducting
9 the criminal history records check, which shall be deposited
10 in the State Police Services Fund and shall not exceed the
11 actual cost of the records check. The criminal background
12 check required by this Section shall include a listing of
13 when, where and by whom the criminal background check was
14 prepared. The criminal background check required by this
15 Section shall not be more than two years old.

16 Neither a clerk of the circuit court nor a judge may
17 require that a criminal background check or fingerprint
18 review be filed with, or at the same time as, an initial
19 petition for adoption.

20 B. Investigation; foreign-born child. In the case of a
21 child born outside the United States or a territory thereof,
22 in addition to the investigation required under subsection
23 (A) of this Section, a post-placement investigation shall be
24 conducted in accordance with the requirements of the Child
25 Care Act of 1969, the Interstate Compact on the Placement of
26 Children, and regulations of the foreign placing agency and
27 the supervising agency.

28 The requirements of a post-placement investigation shall
29 be deemed to have been satisfied if a valid final order or
30 judgment of adoption has been entered by a court of competent
31 jurisdiction in a country other than the United States or a
32 territory thereof with respect to such child and the
33 petitioners.

34 C. Report of investigation. The court shall determine

1 whether the costs of the investigation shall be charged to
2 the petitioners. The information obtained as a result of such
3 investigation shall be presented to the court in a written
4 report. The results of the criminal background check required
5 under subsection (A) shall be provided to the court for its
6 review. The court may, in its discretion, weigh the
7 significance of the results of the criminal background check
8 against the entirety of the background of the petitioners.
9 The Court, in its discretion, may accept the report of the
10 investigation previously made by a licensed child welfare
11 agency, if made within one year prior to the entry of the
12 judgment. Such report shall be treated as confidential and
13 withheld from inspection unless findings adverse to the
14 petitioners or to the child sought to be adopted are
15 contained therein, and in that event the court shall inform
16 the petitioners of the relevant portions pertaining to the
17 adverse findings. In no event shall any facts set forth in
18 the report be considered at the hearing of the proceeding,
19 unless established by competent evidence. The report shall be
20 filed with the record of the proceeding. If the file
21 relating to the proceeding is not impounded, the report shall
22 be impounded by the clerk of the court and shall be made
23 available for inspection only upon order of the court.

24 D. Related adoption. Such investigation shall not be
25 made when the petition seeks to adopt a related child or an
26 adult unless the court, in its discretion, shall so order. In
27 such an event the court may appoint a person deemed competent
28 by the court.

29 (Source: P.A. 91-429, eff. 1-1-00; 91-572, eff. 1-1-00;
30 91-740, eff. 6-2-00.)".