



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4162

Introduced 2/27/2009, by Rep. Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/8-23

Amends the Park District Code. Requires criminal background investigations for persons wishing to participate as a coach or official in a youth sports program. Effective immediately.

LRB096 10380 RLJ 20550 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Park District Code is amended by changing
5 Section 8-23 as follows:

6 (70 ILCS 1205/8-23)

7 Sec. 8-23. Criminal background investigations.

8 (a) An applicant for employment or for permission to
9 participate as a coach or official in a youth sports program
10 with a park district is required as a condition of employment
11 or participation to authorize an investigation to determine if
12 the applicant has been convicted of any of the enumerated
13 criminal or drug offenses in subsection (c) of this Section or
14 has been convicted, within 7 years of the application for
15 employment or participation with the park district, of any
16 other felony under the laws of this State or of any offense
17 committed or attempted in any other state or against the laws
18 of the United States that, if committed or attempted in this
19 State, would have been punishable as a felony under the laws of
20 this State. Authorization for the investigation shall be
21 furnished by the applicant to the park district. Upon receipt
22 of this authorization, the park district shall submit the
23 applicant's name, sex, race, date of birth, and social security

1 number to the Department of State Police on forms prescribed by
2 the Department of State Police. The Department of State Police
3 shall conduct a search of the Illinois criminal history records
4 database to ascertain if the applicant being considered for
5 employment or participation has been convicted of committing or
6 attempting to commit any of the enumerated criminal or drug
7 offenses in subsection (c) of this Section or has been
8 convicted of committing or attempting to commit, within 7 years
9 of the application for employment or participation with the
10 park district, any other felony under the laws of this State.
11 The Department of State Police shall charge the park district a
12 fee for conducting the investigation, which fee shall be
13 deposited in the State Police Services Fund and shall not
14 exceed the cost of the inquiry. The applicant shall not be
15 charged a fee by the park district for the investigation.

16 (b) If the search of the Illinois criminal history record
17 database indicates that the applicant has been convicted of
18 committing or attempting to commit any of the enumerated
19 criminal or drug offenses in subsection (c) or has been
20 convicted of committing or attempting to commit, within 7 years
21 of the application for employment or participation with the
22 park district, any other felony under the laws of this State,
23 the Department of State Police and the Federal Bureau of
24 Investigation shall furnish, pursuant to a fingerprint based
25 background check, records of convictions, until expunged, to
26 the president of the park district. Any information concerning

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

12 (c) No park district shall knowingly employ a person or
13 allow the participation of any person who has been convicted
14 for committing attempted first degree murder or for committing
15 or attempting to commit first degree murder, a Class X felony,
16 or any one or more of the following offenses: (i) those defined
17 in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17,
18 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13,
19 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961;
20 (ii) those defined in the Cannabis Control Act, except those
21 defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii)
22 those defined in the Illinois Controlled Substances Act; (iv)
23 those defined in the Methamphetamine Control and Community
24 Protection Act; and (v) any offense committed or attempted in
25 any other state or against the laws of the United States,
26 which, if committed or attempted in this State, would have been

1 punishable as one or more of the foregoing offenses. Further,
2 no park district shall knowingly employ a person who has been
3 found to be the perpetrator of sexual or physical abuse of any
4 minor under 18 years of age pursuant to proceedings under
5 Article II of the Juvenile Court Act of 1987. No park district
6 shall knowingly employ a person or allow a person to
7 participate for whom a criminal background investigation has
8 not been initiated.

9 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.