

# SB2974



## 96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2974

Introduced 2/3/2010, by Sen. Kirk W. Dillard

### SYNOPSIS AS INTRODUCED:

20 ILCS 2635/3

from Ch. 38, par. 1603

Amends the Illinois Uniform Conviction Information Act. Makes a technical change in a Section concerning definitions.

LRB096 19974 RLC 35455 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Uniform Conviction Information Act  
5 is amended by changing Section 3 as follows:

6 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

7 Sec. 3. Definitions. Whenever used in this Act, and ~~and~~ for  
8 the purposes of this Act, unless the context clearly indicates  
9 otherwise:

10 (A) "Accurate" means factually correct, containing no  
11 mistake or error of a material nature.

12 (B) The phrase "administer the criminal laws" includes any  
13 of the following activities: intelligence gathering,  
14 surveillance, criminal investigation, crime detection and  
15 prevention (including research), apprehension, detention,  
16 pretrial or post-trial release, prosecution, the correctional  
17 supervision or rehabilitation of accused persons or criminal  
18 offenders, criminal identification activities, or the  
19 collection, maintenance or dissemination of criminal history  
20 record information.

21 (C) "The Authority" means the Illinois Criminal Justice  
22 Information Authority.

23 (D) "Automated" means the utilization of computers,

1 telecommunication lines, or other automatic data processing  
2 equipment for data collection or storage, analysis,  
3 processing, preservation, maintenance, dissemination, or  
4 display and is distinguished from a system in which such  
5 activities are performed manually.

6 (E) "Complete" means accurately reflecting all the  
7 criminal history record information about an individual that is  
8 required to be reported to the Department pursuant to Section  
9 2.1 of the Criminal Identification Act.

10 (F) "Conviction information" means data reflecting a  
11 judgment of guilt or nolo contendere. The term includes all  
12 prior and subsequent criminal history events directly relating  
13 to such judgments, such as, but not limited to: (1) the  
14 notation of arrest; (2) the notation of charges filed; (3) the  
15 sentence imposed; (4) the fine imposed; and (5) all related  
16 probation, parole, and release information. Information ceases  
17 to be "conviction information" when a judgment of guilt is  
18 reversed or vacated.

19 For purposes of this Act, continuances to a date certain in  
20 furtherance of an order of supervision granted under Section  
21 5-6-1 of the Unified Code of Corrections or an order of  
22 probation granted under either Section 10 of the Cannabis  
23 Control Act, Section 410 of the Illinois Controlled Substances  
24 Act, Section 70 of the Methamphetamine Control and Community  
25 Protection Act, Section 12-4.3 of the Criminal Code of 1961,  
26 Section 10-102 of the Illinois Alcoholism and Other Drug

1 Dependency Act, Section 40-10 of the Alcoholism and Other Drug  
2 Abuse and Dependency Act, or Section 10 of the Steroid Control  
3 Act shall not be deemed "conviction information".

4 (G) "Criminal history record information" means data  
5 identifiable to an individual and consisting of descriptions or  
6 notations of arrests, detentions, indictments, informations,  
7 pretrial proceedings, trials, or other formal events in the  
8 criminal justice system or descriptions or notations of  
9 criminal charges (including criminal violations of local  
10 municipal ordinances) and the nature of any disposition arising  
11 therefrom, including sentencing, court or correctional  
12 supervision, rehabilitation and release. The term does not  
13 apply to statistical records and reports in which individual  
14 are not identified and from which their identities are not  
15 ascertainable, or to information that is for criminal  
16 investigative or intelligence purposes.

17 (H) "Criminal justice agency" means (1) a government agency  
18 or any subunit thereof which is authorized to administer the  
19 criminal laws and which allocates a substantial part of its  
20 annual budget for that purpose, or (2) an agency supported by  
21 public funds which is authorized as its principal function to  
22 administer the criminal laws and which is officially designated  
23 by the Department as a criminal justice agency for purposes of  
24 this Act.

25 (I) "The Department" means the Illinois Department of State  
26 Police.

1           (J) "Director" means the Director of the Illinois  
2 Department of State Police.

3           (K) "Disseminate" means to disclose or transmit conviction  
4 information in any form, oral, written, or otherwise.

5           (L) "Exigency" means pending danger or the threat of  
6 pending danger to an individual or property.

7           (M) "Non-criminal justice agency" means a State agency,  
8 Federal agency, or unit of local government that is not a  
9 criminal justice agency. The term does not refer to private  
10 individuals, corporations, or non-governmental agencies or  
11 organizations.

12           (M-5) "Request" means the submission to the Department, in  
13 the form and manner required, the necessary data elements or  
14 fingerprints, or both, to allow the Department to initiate a  
15 search of its criminal history record information files.

16           (N) "Requester" means any private individual, corporation,  
17 organization, employer, employment agency, labor organization,  
18 or non-criminal justice agency that has made a request pursuant  
19 to this Act to obtain conviction information maintained in the  
20 files of the Department of State Police regarding a particular  
21 individual.

22           (O) "Statistical information" means data from which the  
23 identity of an individual cannot be ascertained,  
24 reconstructed, or verified and to which the identity of an  
25 individual cannot be linked by the recipient of the  
26 information.

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