

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 Criminal Identification Act is amended by
5 changing Section 2.1 and by adding Section 3.4 as follows:

6 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

7 (Text of Section before amendment by P.A. 104-459)

8 Sec. 2.1. For the purpose of maintaining complete and
9 accurate criminal records of the Illinois State Police, it is
10 necessary for all policing bodies of this State, the clerk of
11 the circuit court, the Illinois Department of Corrections, the
12 sheriff of each county, and State's Attorney of each county to
13 submit certain criminal arrest, charge, and disposition
14 information to the Illinois State Police for filing at the
15 earliest time possible. Unless otherwise noted herein, it
16 shall be the duty of all policing bodies of this State, the
17 clerk of the circuit court, the Illinois Department of
18 Corrections, the sheriff of each county, and the State's
19 Attorney of each county to report such information as provided
20 in this Section, both in the form and manner required by the
21 Illinois State Police and within 30 days of the criminal
22 history event. Specifically:

23 (a) Arrest Information. All agencies making arrests

1 for offenses which are required by statute to be
2 collected, maintained or disseminated by the Illinois
3 State Police shall be responsible for furnishing daily to
4 the Illinois State Police fingerprints, charges and
5 descriptions of all persons who are arrested for such
6 offenses. All such agencies shall also notify the Illinois
7 State Police of all decisions by the arresting agency not
8 to refer such arrests for prosecution. With approval of
9 the Illinois State Police, an agency making such arrests
10 may enter into arrangements with other agencies for the
11 purpose of furnishing daily such fingerprints, charges and
12 descriptions to the Illinois State Police upon its behalf.

13 (b) Charge Information. The State's Attorney of each
14 county shall notify the Illinois State Police of all
15 charges filed and all petitions filed alleging that a
16 minor is delinquent, including all those added subsequent
17 to the filing of a case, and whether charges were not filed
18 in cases for which the Illinois State Police has received
19 information required to be reported pursuant to paragraph
20 (a) of this Section. With approval of the Illinois State
21 Police, the State's Attorney may enter into arrangements
22 with other agencies for the purpose of furnishing the
23 information required by this subsection (b) to the
24 Illinois State Police upon the State's Attorney's behalf.

25 (c) Disposition Information. The clerk of the circuit
26 court of each county shall furnish the Illinois State

1 Police, in the form and manner required by the Supreme
2 Court, with all final dispositions of cases for which the
3 Illinois State Police has received information required to
4 be reported pursuant to paragraph (a) or (d) of this
5 Section. Such information shall include, for each charge,
6 all (1) judgments of not guilty, judgments of guilty
7 including the sentence pronounced by the court with
8 statutory citations to the relevant sentencing provision,
9 findings that a minor is delinquent and any sentence made
10 based on those findings, discharges and dismissals in the
11 court; (2) reviewing court orders filed with the clerk of
12 the circuit court which reverse or remand a reported
13 conviction or findings that a minor is delinquent or that
14 vacate or modify a sentence or sentence made following a
15 trial that a minor is delinquent; (3) continuances to a
16 date certain in furtherance of an order of supervision
17 granted under Section 5-6-1 of the Unified Code of
18 Corrections or an order of probation granted under Section
19 10 of the Cannabis Control Act, Section 410 of the
20 Illinois Controlled Substances Act, Section 70 of the
21 Methamphetamine Control and Community Protection Act,
22 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
23 the Criminal Code of 1961 or the Criminal Code of 2012,
24 Section 10-102 of the Illinois Alcoholism and Other Drug
25 Dependency Act, Section 40-10 of the Substance Use
26 Disorder Act, Section 10 of the Steroid Control Act, or

1 Section 5-615 of the Juvenile Court Act of 1987; (4)
2 judgments or court orders terminating or revoking a
3 sentence to or juvenile disposition of probation,
4 supervision or conditional discharge and any resentencing
5 or new court orders entered by a juvenile court relating
6 to the disposition of a minor's case involving delinquency
7 after such revocation; and (5) in any case in which a
8 firearm is alleged to have been used in the commission of
9 an offense, the serial number of any firearm involved in
10 the case, or if the serial number was obliterated, as
11 provided by the State's Attorney to the clerk of the
12 circuit court at the time of disposition.

13 (d) Fingerprints After Sentencing.

14 (1) After the court pronounces sentence, sentences
15 a minor following a trial in which a minor was found to
16 be delinquent or issues an order of supervision or an
17 order of probation granted under Section 10 of the
18 Cannabis Control Act, Section 410 of the Illinois
19 Controlled Substances Act, Section 70 of the
20 Methamphetamine Control and Community Protection Act,
21 Section 12-4.3 or subdivision (b)(1) of Section
22 12-3.05 of the Criminal Code of 1961 or the Criminal
23 Code of 2012, Section 10-102 of the Illinois
24 Alcoholism and Other Drug Dependency Act, Section
25 40-10 of the Substance Use Disorder Act, Section 10 of
26 the Steroid Control Act, or Section 5-615 of the

1 Juvenile Court Act of 1987 for any offense which is
2 required by statute to be collected, maintained, or
3 disseminated by the Illinois State Police, the State's
4 Attorney of each county shall ask the court to order a
5 law enforcement agency to fingerprint immediately all
6 persons appearing before the court who have not
7 previously been fingerprinted for the same case. The
8 court shall so order the requested fingerprinting, if
9 it determines that any such person has not previously
10 been fingerprinted for the same case. The law
11 enforcement agency shall submit such fingerprints to
12 the Illinois State Police daily.

13 (2) After the court pronounces sentence or makes a
14 disposition of a case following a finding of
15 delinquency for any offense which is not required by
16 statute to be collected, maintained, or disseminated
17 by the Illinois State Police, the prosecuting attorney
18 may ask the court to order a law enforcement agency to
19 fingerprint immediately all persons appearing before
20 the court who have not previously been fingerprinted
21 for the same case. The court may so order the requested
22 fingerprinting, if it determines that any so sentenced
23 person has not previously been fingerprinted for the
24 same case. The law enforcement agency may retain such
25 fingerprints in its files.

26 (e) Corrections Information. The Illinois Department

1 of Corrections and the sheriff of each county shall
2 furnish the Illinois State Police with all information
3 concerning the receipt, escape, execution, death, release,
4 pardon, parole, commutation of sentence, granting of
5 executive clemency or discharge of an individual who has
6 been sentenced or committed to the agency's custody for
7 any offenses which are mandated by statute to be
8 collected, maintained or disseminated by the Illinois
9 State Police. For an individual who has been charged with
10 any such offense and who escapes from custody or dies
11 while in custody, all information concerning the receipt
12 and escape or death, whichever is appropriate, shall also
13 be so furnished to the Illinois State Police.

14 (f) Confidentiality of information. Information
15 reported to the Illinois State Police under this Act is
16 confidential and shall not be released unless expressly
17 permitted by State or federal law.

18 (Source: P.A. 104-5, eff. 1-1-26.)

19 (Text of Section after amendment by P.A. 104-459)

20 Sec. 2.1. For the purpose of maintaining complete and
21 accurate criminal records of the Illinois State Police, it is
22 necessary for all policing bodies of this State, the clerk of
23 the circuit court, the Illinois Department of Corrections, the
24 sheriff of each county, and State's Attorney of each county to
25 submit certain criminal arrest, charge, and disposition

1 information to the Illinois State Police for filing at the
2 earliest time possible. Unless otherwise noted herein, it
3 shall be the duty of all policing bodies of this State, the
4 clerk of the circuit court, the Illinois Department of
5 Corrections, the sheriff of each county, and the State's
6 Attorney of each county to report such information as provided
7 in this Section, both in the form and manner required by the
8 Illinois State Police and within 30 days of the criminal
9 history event. Specifically:

10 (a) Arrest Information. All agencies making arrests
11 for offenses which are required by statute to be
12 collected, maintained or disseminated by the Illinois
13 State Police shall be responsible for furnishing daily to
14 the Illinois State Police fingerprints, charges and
15 descriptions of all persons who are arrested for such
16 offenses. All such agencies shall also notify the Illinois
17 State Police of all decisions by the arresting agency not
18 to refer such arrests for prosecution. With approval of
19 the Illinois State Police, an agency making such arrests
20 may enter into arrangements with other agencies for the
21 purpose of furnishing daily such fingerprints, charges and
22 descriptions to the Illinois State Police upon its behalf.

23 (b) Charge Information. The State's Attorney of each
24 county shall notify the Illinois State Police of all
25 charges filed and all petitions filed alleging that a
26 minor is delinquent, including all those added subsequent

1 to the filing of a case, and whether charges were not filed
2 in cases for which the Illinois State Police has received
3 information required to be reported pursuant to paragraph
4 (a) of this Section. With approval of the Illinois State
5 Police, the State's Attorney may enter into arrangements
6 with other agencies for the purpose of furnishing the
7 information required by this subsection (b) to the
8 Illinois State Police upon the State's Attorney's behalf.

9 (c) Disposition Information. The clerk of the circuit
10 court of each county shall furnish the Illinois State
11 Police, in the form and manner required by the Supreme
12 Court, with all final dispositions of cases for which the
13 Illinois State Police has received information required to
14 be reported pursuant to paragraph (a) or (d) of this
15 Section. Such information shall include, for each charge,
16 all (1) judgments of not guilty, judgments of guilty
17 including the sentence pronounced by the court with
18 statutory citations to the relevant sentencing provision,
19 findings that a minor is delinquent and any sentence made
20 based on those findings, discharges and dismissals in the
21 court; (2) reviewing court orders filed with the clerk of
22 the circuit court which reverse or remand a reported
23 conviction or findings that a minor is delinquent or that
24 vacate or modify a sentence or sentence made following a
25 trial that a minor is delinquent; (3) continuances to a
26 date certain in furtherance of an order of supervision

1 granted under Section 5-6-1 of the Unified Code of
2 Corrections or an order of probation granted under Section
3 10 of the Cannabis Control Act, Section 410 of the
4 Illinois Controlled Substances Act, Section 70 of the
5 Methamphetamine Control and Community Protection Act,
6 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
7 the Criminal Code of 1961 or the Criminal Code of 2012,
8 Section 10-102 of the Illinois Alcoholism and Other Drug
9 Dependency Act, Section 40-10 of the Substance Use
10 Disorder Act, Section 10 of the Steroid Control Act, or
11 Section 5-615 of the Juvenile Court Act of 1987; (4)
12 judgments or court orders terminating or revoking a
13 sentence to or juvenile disposition of probation,
14 supervision or conditional discharge, judgment or court
15 orders of discharge from probation or conditional
16 discharge, and any resentencing or new court orders
17 entered by a juvenile court relating to the disposition of
18 a minor's case involving delinquency after such
19 revocation; and (5) in any case in which a firearm is
20 alleged to have been used in the commission of an offense,
21 the serial number of any firearm involved in the case, or
22 if the serial number was obliterated, as provided by the
23 State's Attorney to the clerk of the circuit court at the
24 time of disposition. The Illinois State Police may provide
25 reports of cases with missing disposition information to
26 the clerk of the circuit court. Each clerk of the circuit

1 court receiving a report of cases with missing disposition
2 information shall respond within 30 days after receiving
3 the report unless the volume of records in the report
4 renders that timeline impracticable.

5 (d) Fingerprints After Sentencing.

6 (1) After the court pronounces sentence, sentences
7 a minor following a trial in which a minor was found to
8 be delinquent or issues an order of supervision or an
9 order of probation granted under Section 10 of the
10 Cannabis Control Act, Section 410 of the Illinois
11 Controlled Substances Act, Section 70 of the
12 Methamphetamine Control and Community Protection Act,
13 Section 12-4.3 or subdivision (b)(1) of Section
14 12-3.05 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, Section 10-102 of the Illinois
16 Alcoholism and Other Drug Dependency Act, Section
17 40-10 of the Substance Use Disorder Act, Section 10 of
18 the Steroid Control Act, or Section 5-615 of the
19 Juvenile Court Act of 1987 for any offense which is
20 required by statute to be collected, maintained, or
21 disseminated by the Illinois State Police, the State's
22 Attorney of each county shall ask the court to order a
23 law enforcement agency to fingerprint immediately all
24 persons appearing before the court who have not
25 previously been fingerprinted for the same case. The
26 court shall so order the requested fingerprinting, if

1 it determines that any such person has not previously
2 been fingerprinted for the same case. The law
3 enforcement agency shall submit such fingerprints to
4 the Illinois State Police daily.

5 (2) After the court pronounces sentence or makes a
6 disposition of a case following a finding of
7 delinquency for any offense which is not required by
8 statute to be collected, maintained, or disseminated
9 by the Illinois State Police, the prosecuting attorney
10 may ask the court to order a law enforcement agency to
11 fingerprint immediately all persons appearing before
12 the court who have not previously been fingerprinted
13 for the same case. The court may so order the requested
14 fingerprinting, if it determines that any so sentenced
15 person has not previously been fingerprinted for the
16 same case. The law enforcement agency may retain such
17 fingerprints in its files.

18 (e) Corrections Information. The Illinois Department
19 of Corrections and the sheriff of each county shall
20 furnish the Illinois State Police with all information
21 concerning the receipt, escape, execution, death, release,
22 pardon, parole, commutation of sentence, granting of
23 executive clemency or discharge of an individual who has
24 been sentenced or committed to the agency's custody for
25 any offenses which are mandated by statute to be
26 collected, maintained or disseminated by the Illinois

1 State Police. For an individual who has been charged with
2 any such offense and who escapes from custody or dies
3 while in custody, all information concerning the receipt
4 and escape or death, whichever is appropriate, shall also
5 be so furnished to the Illinois State Police.

6 (f) Any entity required to report information
7 concerning criminal arrests, charges, and dispositions
8 pursuant to Section 2.1 or 5 of this Act shall respond to
9 any notice advising the entity of missing or incomplete
10 information or an error in the reporting of the
11 information as follows:

12 (1) Responses shall be made within 30 days after
13 the notice from the Illinois State Police unless the
14 volume of records in the report renders that timeline
15 impracticable.

16 (2) Responses shall include the missing or
17 incomplete information, correction of the error or an
18 explanation detailing the reason the information
19 cannot be provided or corrected, and an estimated
20 timeframe for compliance.

21 (g) Confidentiality of information. Information
22 reported to the Illinois State Police under this Act is
23 confidential and shall not be released unless expressly
24 permitted by State or federal law.

25 (Source: P.A. 104-5, eff. 1-1-26; 104-459, eff. 6-1-26.)

1 (20 ILCS 2630/3.4 new)

2 Sec. 3.4. Criminal history background checks for qualified
3 entities.

4 (a) The National Child Protection Act of 1993, as amended
5 by the Volunteers for Children Act and the Child Protection
6 Improvements Act of 2018, authorizes states to allow
7 nationwide background checks for individuals who have access
8 to children through qualified entities, including businesses
9 and organizations under contract with qualified entities to
10 work with vulnerable populations. It is hereby declared as a
11 matter of legislative determination that in order to promote
12 and protect the health, safety, and welfare of children, the
13 elderly, and individuals with disabilities, it is necessary
14 and in the public interest to allow nationwide background
15 checks as authorized by the National Child Protection Act of
16 1993, as amended by the Volunteers for Children Act and the
17 Child Protection Improvements Act of 2018.

18 (b) As used in this Section:

19 "Applicant" includes any person who:

20 (1) is employed by or seeks employment with a
21 qualified entity;

22 (2) is licensed or seeks licensure with a qualified
23 entity;

24 (3) volunteers or seeks to volunteer with a qualified
25 entity; or

26 (4) is contracted with or seeks to contract with a

1 qualified entity to provide care or care placement
2 services.

3 "Care" means the provision of care, treatment, education,
4 training, instruction, supervision, or recreation to children,
5 the elderly, or individuals with disabilities.

6 "Qualified entity" means a business or organization,
7 whether public, private, operated for profit, operated not for
8 profit, or voluntary, which provides care or care placement
9 services, including a business, organization, or governmental
10 agency that licenses or certifies others to provide care or
11 care placement services for children, the elderly, or
12 individuals with disabilities.

13 (c) The Illinois State Police shall conduct a State and
14 national criminal history background check on an applicant if
15 a qualified entity submits:

16 (1) a request to the Illinois State Police to perform
17 a State and national background check on the applicant in
18 a form and manner prescribed by the Illinois State Police,
19 which includes a statement containing the name, address,
20 and date of birth appearing on a valid identification card
21 or document issued by the State to the applicant;

22 (2) a waiver on a form approved by the Illinois State
23 Police that is signed by the applicant allowing the
24 release of the State and national criminal history record
25 information to the qualified entity;

26 (3) the applicant's fingerprints in an electronic

1 format that complies with the form and manner for
2 requesting and furnishing criminal history record
3 information prescribed by the Illinois State Police; and
4 (4) any fee prescribed by the Illinois State Police.

5 (d) The Illinois State Police may charge a fee for
6 conducting a background check under this Section. The fee
7 shall be deposited into the State Police Services Fund and
8 shall not exceed the actual cost of the records check.

9 (e) The Illinois State Police shall ensure that the
10 applicant is provided written notice of the applicant's right
11 to obtain a copy of all records that the Illinois State Police
12 shall provide to the qualified entity. If the Illinois State
13 Police receives notice from the applicant that the applicant
14 wants a copy of the records provided to the qualified entity,
15 then the Illinois State Police shall provide the applicant
16 with a copy of all the records that the Illinois State Police
17 provided to the qualified entity.

18 (f) The Illinois State Police shall ensure that the
19 applicant is provided written notice of the applicant's right
20 to challenge any records that the Illinois State Police shall
21 provide to the qualified entity and the procedures for
22 correcting or updating the records. The Illinois State Police
23 shall make a determination of the validity of a challenge
24 concerning Illinois records made by the applicant. If the
25 Illinois State Police determines that the Illinois records
26 provided to a qualified entity were inaccurate, then the

1 Illinois State Police shall provide updated records to the
2 qualified entity and the applicant.

3 (g) A criminal background check conducted under this
4 Section does not constitute compliance with any background
5 check required by law.

6 (h) Upon positive identification, the Illinois State
7 Police shall provide the qualified entity with records of the
8 applicant's conviction of or entry of a plea of guilty or nolo
9 contendere, finding of guilt, jury verdict, or entry of
10 judgment or sentencing, including, but not limited to,
11 convictions, preceding sentences of supervision, conditional
12 discharge, or first offender probation, under the laws of any
13 jurisdiction of the United States that is a felony or crime
14 directly related to providing care.

15 (i) Nothing in this Section shall be interpreted to
16 require the Illinois State Police to make an eligibility
17 determination on behalf of any qualified entity.

18 (j) Any information received by a qualified entity under
19 this Section shall be used solely for internal purposes in
20 determining the suitability of an applicant. The dissemination
21 of criminal history information from the Federal Bureau of
22 Investigation beyond the authorized state agency or qualified
23 entity is prohibited. All criminal record check information
24 shall be confidential.

25 (k) Nothing in this Section shall be interpreted to expand
26 a government agency's or qualified entity's authority to

1 access juvenile, sealed, or expunged records as established by
2 State and federal law.

3 (1) Fingerprints submitted under this Section shall be
4 transmitted through a livescan fingerprint vendor licensed by
5 the Department of Professional Regulations. The fingerprints
6 submitted under this Section shall be checked against the
7 records, now and hereafter filed, in the Illinois State Police
8 and Federal Bureau of Investigation criminal history
9 databases, including, but not limited to, civil, criminal, and
10 latent fingerprint databases. The fingerprints shall be
11 checked against the records in the Illinois State Police
12 databases prior to being submitted to the Federal Bureau of
13 Investigation.

14 (m) Contractors who have or seek to have a contract with a
15 qualified entity to provide care or care placement services
16 meet the definition of "employed by" for the purposes of the
17 National Child Protection Act of 1993, as amended by the
18 Volunteers for Children Act and the Child Protection
19 Improvements Act of 2018.

20 (n) The Illinois State Police may adopt rules to implement
21 this Section.

22 Section 95. No acceleration or delay. Where this Act makes
23 changes in a statute that is represented in this Act by text
24 that is not yet or no longer in effect (for example, a Section
25 represented by multiple versions), the use of that text does

1 not accelerate or delay the taking effect of (i) the changes
2 made by this Act or (ii) provisions derived from any other
3 Public Act.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.