

1 AN ACT concerning safety.

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

4 Section 5. The Amusement Ride and Attraction Safety Act is
5 amended by changing Section 2-20 as follows:

6 (430 ILCS 85/2-20)

7 Sec. 2-20. Employment of carnival and amusement enterprise
8 workers.

9 (a) Beginning on January 1, 2008, no person, firm,
10 corporation, or other entity that owns or operates a carnival,
11 amusement enterprise, or fair shall employ a carnival or
12 amusement enterprise worker who (i) has been convicted of any
13 offense set forth in Article 11 of the Criminal Code of 1961 or
14 the Criminal Code of 2012, (ii) is a registered sex offender,
15 as defined in the Sex Offender Registration Act, or (iii) has
16 ever been convicted of any offense set forth in Article 9 of
17 the Criminal Code of 1961 or the Criminal Code of 2012.

18 (b) A person, firm, corporation, or other entity that owns
19 or operates a carnival, amusement enterprise, or fair must
20 conduct a criminal history records check and perform a check of
21 the National Sex Offender Public Registry for carnival or
22 amusement enterprise workers at the time they are hired, and
23 annually thereafter except if they are in the continued employ

1 of the entity.

2 The criminal history records check performed under this
3 subsection (b) shall be performed by the Illinois State Police,
4 another State or federal law enforcement agency, or a business
5 belonging to the National Association of Professional
6 Background Check Screeners. Any criminal history checks
7 performed by the Illinois State Police shall be pursuant to the
8 Illinois Uniform Conviction Information Act.

9 Individuals who are under the age of 17 are exempt from the
10 criminal history records check requirements set forth in this
11 subsection (b).

12 (c) Any person, firm, corporation, or other entity that
13 owns or operates a carnival, amusement enterprise, or fair must
14 have a substance abuse policy in place for its workers, which
15 shall include random drug testing of carnival or amusement
16 enterprise workers.

17 (d) Any person, firm, corporation, or other entity that
18 owns or operates a carnival, amusement enterprise, or fair that
19 violates the provisions of subsection (a) of this Section or
20 fails to conduct a criminal history records check or a sex
21 offender registry check for carnival or amusement enterprise
22 workers in its employ, as required by subsection (b) of this
23 Section, shall be assessed a civil penalty in an amount not to
24 exceed \$5,000 ~~\$1,000~~ for a first offense, shall be assessed a
25 civil penalty in an amount not to exceed \$10,000 ~~\$5,000~~ for a
26 second offense, and a subsequent offense shall result in the

1 revocation of a permit to operate in accordance with Section
2 2-8.1 not to exceed \$15,000 for a third or subsequent offense.

3 The collection of these penalties shall be enforced in a civil
4 action brought by the Attorney General on behalf of the
5 Department.

6 (e) A carnival, amusement enterprise, or fair owner is not
7 responsible for:

8 (1) any personal information submitted by a carnival or
9 amusement enterprise worker for criminal history records
10 check purposes; or

11 (2) any information provided by a third party for a
12 criminal history records check or a sex offender registry
13 check.

14 (f) Recordkeeping requirements. Any person, firm,
15 corporation, or other entity that owns or operates a carnival,
16 amusement enterprise, or fair subject to the provisions of this
17 Act shall make, preserve, and make available to the Department,
18 upon its request, all records that are required by this Act,
19 including but not limited to a written substance abuse policy,
20 evidence of the required criminal history records check and sex
21 offender registry check, and any other information the Director
22 may deem necessary and appropriate for enforcement of this Act.

23 (g) A carnival, amusement enterprise, or fair owner shall
24 not be liable to any employee in carrying out the requirements
25 of this Section.

26 (Source: P.A. 97-1150, eff. 1-25-13; 98-769, eff. 1-1-15.)