

1 AN ACT in relation to criminal history records.

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

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

6 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

7 Sec. 10b.1. (a) Competitive examinations. For open
8 competitive examinations to test the relative fitness of
9 applicants for the respective positions. Tests shall be
10 designed to eliminate those who are not qualified for
11 entrance into the Office of the Secretary of State and to
12 discover the relative fitness of those who are qualified.
13 The Director may use any one of or any combination of the
14 following examination methods which in his judgment best
15 serves this end: investigation of education and experience;
16 test of cultural knowledge; test of capacity; test of
17 knowledge; test of manual skill; test of linguistic ability;
18 test of character; test of physical skill; test of
19 psychological fitness. No person with a record of
20 misdemeanor convictions except those under Sections 11-6,
21 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,
22 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,
23 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and
24 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code
25 of 1961, or arrested for any cause but not convicted thereon
26 shall be disqualified from taking such examinations or
27 subsequent appointment unless the person is attempting to
28 qualify for a position which would give him the powers of a
29 peace officer, in which case the person's conviction or
30 arrest record may be considered as a factor in determining
31 the person's fitness for the position. All examinations

1 shall be announced publicly at least 2 weeks in advance of
2 the date of examinations and may be advertised through the
3 press, radio or other media.

4 The Director may, at his discretion, accept the results
5 of competitive examinations conducted by any merit system
6 established by Federal law or by the law of any State, and
7 may compile eligible lists therefrom or may add the names of
8 successful candidates in examinations conducted by those
9 merit systems to existing eligible lists in accordance with
10 their respective ratings. No person who is a non-resident of
11 the State of Illinois may be appointed from those eligible
12 lists, however, unless the requirement that applicants be
13 residents of the State of Illinois is waived by the Director
14 of Personnel and unless there are less than 3 Illinois
15 residents available for appointment from the appropriate
16 eligible list. The results of the examinations conducted by
17 other merit systems may not be used unless they are
18 comparable in difficulty and comprehensiveness to
19 examinations conducted by the Department of Personnel for
20 similar positions. Special linguistic options may also be
21 established where deemed appropriate.

22 (b) The Director of Personnel may require that each
23 person seeking employment with the Secretary of State, as
24 part of the application process, authorize an investigation
25 to determine if the applicant has ever been convicted of a
26 crime and if so, the disposition of those convictions; this
27 authorization shall indicate the scope of the inquiry and the
28 agencies which may be contacted. Upon this authorization,
29 the Director of Personnel may request and receive information
30 and assistance from any federal, state or local governmental
31 agency as part of the authorized investigation. The
32 investigation shall be undertaken after the fingerprinting of
33 an applicant in the form and manner prescribed by the
34 Department of State Police. The investigation shall consist

1 of a criminal history records check performed by the
2 Department of State Police and the Federal Bureau of
3 Investigation, or some other entity that has the ability to
4 check the applicant's fingerprints against the fingerprint
5 records now and hereafter filed in the Department of State
6 Police and Federal Bureau of Investigation criminal history
7 records databases. If the Department of State Police and the
8 Federal Bureau of Investigation conduct an investigation
9 directly for the Secretary of State's Office, then the
10 Department of State Police shall charge a fee for conducting
11 the criminal history records check, which shall be deposited
12 in the State Police Services Fund and shall not exceed the
13 actual cost of the records check. The Department of State
14 Police shall provide information concerning any criminal
15 convictions, and their disposition, brought against the
16 applicant or prospective employee of the Secretary of State
17 upon request of the Department of Personnel when the request
18 is made in the form and manner required by the Department of
19 State Police. The information derived from this
20 investigation, including the source of this information, and
21 any conclusions or recommendations derived from this
22 information by the Director of Personnel shall be provided to
23 the applicant or prospective employee, or his designee, upon
24 request to the Director of Personnel prior to any final
25 action by the Director of Personnel on the application. No
26 information obtained from such investigation may be placed in
27 any automated information system. Any criminal convictions
28 and their disposition information obtained by the Director of
29 Personnel shall be confidential and may not be transmitted
30 outside the Office of the Secretary of State, except as
31 required herein, and may not be transmitted to anyone within
32 the Office of the Secretary of State except as needed for the
33 purpose of evaluating the application. The only physical
34 identity materials which the applicant or prospective

1 employee can be required to provide the Director of Personnel
2 are photographs or fingerprints; these shall be returned to
3 the applicant or prospective employee upon request to the
4 Director of Personnel, after the investigation has been
5 completed and no copy of these materials may be kept by the
6 Director of Personnel or any agency to which such identity
7 materials were transmitted. Only information and standards
8 which bear a reasonable and rational relation to the
9 performance of an employee shall be used by the Director of
10 Personnel. The Secretary of State shall adopt rules and
11 regulations for the administration of this Section. Any
12 employee of the Secretary of State who gives or causes to be
13 given away any confidential information concerning any
14 criminal convictions and their disposition of an applicant or
15 prospective employee shall be guilty of a Class A misdemeanor
16 unless release of such information is authorized by this
17 Section.

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

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

21 (70 ILCS 1205/8-23)

22 Sec. 8-23. Criminal background investigations.

23 (a) An applicant for employment with a park district is
24 required as a condition of employment to authorize an
25 investigation to determine if the applicant has been
26 convicted of any of the enumerated criminal or drug offenses
27 in subsection (c) of this Section or has been convicted,
28 within 7 years of the application for employment with the
29 park district, of any other felony under the laws of this
30 State or of any offense committed or attempted in any other
31 state or against the laws of the United States that, if
32 committed or attempted in this State, would have been

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

25 (b) If the search of the Illinois criminal history
26 record database indicates that the applicant has been
27 convicted of committing or attempting to commit any of the
28 enumerated criminal or drug offenses in subsection (c) or has
29 been convicted of committing or attempting to commit, within
30 7 years of the application for employment with the park
31 district, any other felony under the laws of this State, the
32 Department of State Police and the Federal Bureau of
33 Investigation shall furnish, pursuant to a fingerprint based
34 background check ~~positive---~~identification, records of

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

13 (c) No park district shall knowingly employ a person who
14 has been convicted for committing attempted first degree
15 murder or for committing or attempting to commit first degree
16 murder, a Class X felony, or any one or more of the following
17 offenses: (i) those defined in Sections 11-6, 11-9, 11-14,
18 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
19 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and
20 12-16 of the Criminal Code of 1961; (ii) those defined in the
21 Cannabis Control Act, except those defined in Sections 4(a),
22 4(b), and 5(a) of that Act; (iii) those defined in the
23 Illinois Controlled Substances Act; and (iv) any offense
24 committed or attempted in any other state or against the laws
25 of the United States, which, if committed or attempted in
26 this State, would have been punishable as one or more of the
27 foregoing offenses. Further, no park district shall
28 knowingly employ a person who has been found to be the
29 perpetrator of sexual or physical abuse of any minor under 18
30 years of age pursuant to proceedings under Article II of the
31 Juvenile Court Act of 1987. No park district shall knowingly
32 employ a person for whom a criminal background investigation
33 has not been initiated.

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

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

3 (70 ILCS 1505/16a-5)

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

5 (a) An applicant for employment with the Chicago Park
6 District is required as a condition of employment to
7 authorize an investigation to determine if the applicant has
8 been convicted of any of the enumerated criminal or drug
9 offenses in subsection (c) of this Section or has been
10 convicted, within 7 years of the application for employment
11 with the Chicago Park District, of any other felony under the
12 laws of this State or of any offense committed or attempted
13 in any other state or against the laws of the United States
14 that, if committed or attempted in this State, would have
15 been punishable as a felony under the laws of this State.
16 Authorization for the investigation shall be furnished by the
17 applicant to the Chicago Park District. Upon receipt of this
18 authorization, the Chicago Park District shall submit the
19 applicant's name, sex, race, date of birth, and social
20 security number to the Department of State Police on forms
21 prescribed by the Department of State Police. The Department
22 of State Police shall conduct a search of the Illinois
23 criminal history record information database an-investigation
24 to ascertain if the applicant being considered for employment
25 has been convicted of committing or attempting to commit any
26 of the enumerated criminal or drug offenses in subsection (c)
27 of this Section or has been convicted, of committing or
28 attempting to commit within 7 years of the application for
29 employment with the Chicago Park District, of any other
30 felony under the laws of this State or--of--any--offense
31 committed-or-attempted-in-any-other-state-or-against-the-laws
32 of--the-United-States-that, if committed or attempted in this
33 State, would have been punishable as a felony under the--laws

1 ef--this--State. The Department of State Police shall charge
2 the Chicago Park District a fee for conducting the
3 investigation, which fee shall be deposited in the State
4 Police Services Fund and shall not exceed the cost of the
5 inquiry. The applicant shall not be charged a fee by the
6 Chicago Park District for the investigation.

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

30 (c) The Chicago Park District may not knowingly employ a
31 person who has been convicted for committing attempted first
32 degree murder or for committing or attempting to commit first
33 degree murder, a Class X felony, or any one or more of the
34 following offenses: (i) those defined in Sections 11-6,

1 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
2 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,
3 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)
4 those defined in the Cannabis Control Act, except those
5 defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii)
6 those defined in the Illinois Controlled Substances Act; and
7 (iv) any offense committed or attempted in any other state or
8 against the laws of the United States, which, if committed or
9 attempted in this State, would have been punishable as one or
10 more of the foregoing offenses. Further, the Chicago Park
11 District may not knowingly employ a person who has been found
12 to be the perpetrator of sexual or physical abuse of any
13 minor under 18 years of age pursuant to proceedings under
14 Article II of the Juvenile Court Act of 1987. The Chicago
15 Park District may not knowingly employ a person for whom a
16 criminal background investigation has not been initiated.
17 (Source: P.A. 91-885, eff. 7-6-00.)

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

20 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

21 Sec. 10-21.9. Criminal background investigations.

22 (a) After August 1, 1985, certified and noncertified
23 applicants for employment with a school district, except
24 school bus driver applicants, are required as a condition of
25 employment to authorize an investigation to determine if such
26 applicants have been convicted of any of the enumerated
27 criminal or drug offenses in subsection (c) of this Section
28 or have been convicted, within 7 years of the application for
29 employment with the school district, of any other felony
30 under the laws of this State or of any offense committed or
31 attempted in any other state or against the laws of the
32 United States that, if committed or attempted in this State,

1 would have been punishable as a felony under the laws of this
2 State. Authorization for the investigation shall be furnished
3 by the applicant to the school district, except that if the
4 applicant is a substitute teacher seeking employment in more
5 than one school district, a teacher seeking concurrent
6 part-time employment positions with more than one school
7 district (as a reading specialist, special education teacher
8 or otherwise), or an educational support personnel employee
9 seeking employment positions with more than one district, any
10 such district may require the applicant to furnish
11 authorization for the investigation to the regional
12 superintendent of the educational service region in which are
13 located the school districts in which the applicant is
14 seeking employment as a substitute or concurrent part-time
15 teacher or concurrent educational support personnel employee.
16 Upon receipt of this authorization, the school district or
17 the appropriate regional superintendent, as the case may be,
18 shall submit the applicant's name, sex, race, date of birth
19 and social security number to the Department of State Police
20 on forms prescribed by the Department. The regional
21 superintendent submitting the requisite information to the
22 Department of State Police shall promptly notify the school
23 districts in which the applicant is seeking employment as a
24 substitute or concurrent part-time teacher or concurrent
25 educational support personnel employee that the investigation
26 of the applicant has been requested. The Department of State
27 Police shall conduct a search of the Illinois criminal
28 history records database an-investigatien to ascertain if the
29 applicant being considered for employment has been convicted
30 of committing or attempting to commit any of the enumerated
31 criminal or drug offenses in subsection (c) or has been
32 convicted of committing or attempting to commit, within 7
33 years of the application for employment with the school
34 district, ~~of~~ any other felony under the laws of this State or

1 of any offense committed or attempted in any other state or
2 against the laws of the United States that, if committed or
3 attempted in this State, would have been punishable as a
4 felony under the laws of this State. The Department shall
5 charge the school district or the appropriate regional
6 superintendent a fee for conducting such investigation, which
7 fee shall be deposited in the State Police Services Fund and
8 shall not exceed the cost of the inquiry; and the applicant
9 shall not be charged a fee for such investigation by the
10 school district or by the regional superintendent. The
11 regional superintendent may seek reimbursement from the State
12 Board of Education or the appropriate school district or
13 districts for fees paid by the regional superintendent to the
14 Department for the criminal background investigations
15 required by this Section.

16 (b) If the search of the Illinois criminal history
17 records database indicates that the applicant has been
18 convicted of committing or attempting to commit any of the
19 enumerated criminal or drug offenses in subsection (c) or has
20 been convicted of committing or attempting to commit, within
21 7 years before the application for employment with the school
22 district, any other felony under the laws of this State, the
23 Department and the Federal Bureau of Investigation shall
24 furnish, pursuant to a fingerprint based background check
25 positive---identificatien, records of convictions, until
26 expunged, to the president of the school board for the school
27 district which requested the investigation, or to the
28 regional superintendent who requested the investigation. Any
29 information concerning the record of convictions obtained by
30 the president of the school board or the regional
31 superintendent shall be confidential and may only be
32 transmitted to the superintendent of the school district or
33 his designee, the appropriate regional superintendent if the
34 investigation was requested by the school district, the

1 presidents of the appropriate school boards if the
2 investigation was requested from the Department of State
3 Police by the regional superintendent, the State
4 Superintendent of Education, the State Teacher Certification
5 Board or any other person necessary to the decision of hiring
6 the applicant for employment. A copy of the record of
7 convictions obtained from the Department of State Police
8 shall be provided to the applicant for employment. If an
9 investigation of an applicant for employment as a substitute
10 or concurrent part-time teacher or concurrent educational
11 support personnel employee in more than one school district
12 was requested by the regional superintendent, and the
13 Department of State Police upon investigation ascertains that
14 the applicant has not been convicted of any of the enumerated
15 criminal or drug offenses in subsection (c) or has not been
16 convicted, within 7 years of the application for employment
17 with the school district, of any other felony under the laws
18 of this State or of any offense committed or attempted in any
19 other 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 and so
22 notifies the regional superintendent, then the regional
23 superintendent shall issue to the applicant a certificate
24 evidencing that as of the date specified by the Department of
25 State Police the applicant has not been convicted of any of
26 the enumerated criminal or drug offenses in subsection (c) or
27 has not been convicted, within 7 years of the application for
28 employment with the school district, of any other felony
29 under the laws of this State or of any offense committed or
30 attempted in any other state or against the laws of the
31 United States that, if committed or attempted in this State,
32 would have been punishable as a felony under the laws of this
33 State. The school board of any school district located in
34 the educational service region served by the regional

1 superintendent who issues such a certificate to an applicant
2 for employment as a substitute teacher in more than one such
3 district may rely on the certificate issued by the regional
4 superintendent to that applicant, or may initiate its own
5 investigation of the applicant through the Department of
6 State Police as provided in subsection (a). Any person who
7 releases any confidential information concerning any criminal
8 convictions of an applicant for employment shall be guilty of
9 a Class A misdemeanor, unless the release of such information
10 is authorized by this Section.

11 (c) No school board shall knowingly employ a person who
12 has been convicted for committing attempted first degree
13 murder or for committing or attempting to commit first degree
14 murder or a Class X felony or any one or more of the
15 following offenses: (i) those defined in Sections 11-6, 11-9,
16 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
17 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15
18 and 12-16 of the "Criminal Code of 1961"; (ii) those defined
19 in the "Cannabis Control Act" except those defined in
20 Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined
21 in the "Illinois Controlled Substances Act"; and (iv) any
22 offense committed or attempted in any other state or against
23 the laws of the United States, which if committed or
24 attempted in this State, would have been punishable as one or
25 more of the foregoing offenses. Further, no school board
26 shall knowingly employ a person who has been found to be the
27 perpetrator of sexual or physical abuse of any minor under 18
28 years of age pursuant to proceedings under Article II of the
29 Juvenile Court Act of 1987.

30 (d) No school board shall knowingly employ a person for
31 whom a criminal background investigation has not been
32 initiated.

33 (e) Upon receipt of the record of a conviction of or a
34 finding of child abuse by a holder of any certificate issued

1 pursuant to Article 21 or Section 34-8.1 or 34-83 of the
2 School Code, the appropriate regional superintendent of
3 schools or the State Superintendent of Education shall
4 initiate the certificate suspension and revocation
5 proceedings authorized by law.

6 (f) After January 1, 1990 the provisions of this Section
7 shall apply to all employees of persons or firms holding
8 contracts with any school district including, but not limited
9 to, food service workers, school bus drivers and other
10 transportation employees, who have direct, daily contact with
11 the pupils of any school in such district. For purposes of
12 criminal background investigations on employees of persons or
13 firms holding contracts with more than one school district
14 and assigned to more than one school district, the regional
15 superintendent of the educational service region in which the
16 contracting school districts are located may, at the request
17 of any such school district, be responsible for receiving the
18 authorization for investigation prepared by each such
19 employee and submitting the same to the Department of State
20 Police. Any information concerning the record of conviction
21 of any such employee obtained by the regional superintendent
22 shall be promptly reported to the president of the
23 appropriate school board or school boards.

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

25 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

26 Sec. 34-18.5. Criminal background investigations.

27 (a) After August 1, 1985, certified and noncertified
28 applicants for employment with the school district are
29 required as a condition of employment to authorize an
30 investigation to determine if such applicants have been
31 convicted of any of the enumerated criminal or drug offenses
32 in subsection (c) of this Section or have been convicted,
33 within 7 years of the application for employment with the

1 school district, of any other felony under the laws of this
2 State or of any offense committed or attempted in any other
3 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.
6 Authorization for the investigation shall be furnished by the
7 applicant to the school district, except that if the
8 applicant is a substitute teacher seeking employment in more
9 than one school district, or a teacher seeking concurrent
10 part-time employment positions with more than one school
11 district (as a reading specialist, special education teacher
12 or otherwise), or an educational support personnel employee
13 seeking employment positions with more than one district, any
14 such district may require the applicant to furnish
15 authorization for the investigation to the regional
16 superintendent of the educational service region in which are
17 located the school districts in which the applicant is
18 seeking employment as a substitute or concurrent part-time
19 teacher or concurrent educational support personnel employee.
20 Upon receipt of this authorization, the school district or
21 the appropriate regional superintendent, as the case may be,
22 shall submit the applicant's name, sex, race, date of birth
23 and social security number to the Department of State Police
24 on forms prescribed by the Department. The regional
25 superintendent submitting the requisite information to the
26 Department of State Police shall promptly notify the school
27 districts in which the applicant is seeking employment as a
28 substitute or concurrent part-time teacher or concurrent
29 educational support personnel employee that the investigation
30 of the applicant has been requested. The Department of State
31 Police shall conduct a search of the Illinois Criminal
32 history record information database an--investigation to
33 ascertain if the applicant being considered for employment
34 has been convicted of committing or attempting to commit any

1 of the enumerated criminal or drug offenses in subsection (c)
2 or has been convicted of committing or attempting to commit,
3 within 7 years of the application for employment with the
4 school district, ~~of any other felony under the laws of this~~
5 ~~State or of any offense committed or attempted in any other~~
6 ~~state or against the laws of the United States that, if~~
7 ~~committed or attempted in this State, would have been~~
8 ~~punishable as a felony under the laws of this State.~~ The
9 Department shall charge the school district or the
10 appropriate regional superintendent a fee for conducting such
11 investigation, which fee shall be deposited in the State
12 Police Services Fund and shall not exceed the cost of the
13 inquiry; and the applicant shall not be charged a fee for
14 such investigation by the school district or by the regional
15 superintendent. The regional superintendent may seek
16 reimbursement from the State Board of Education or the
17 appropriate school district or districts for fees paid by the
18 regional superintendent to the Department for the criminal
19 background investigations required by this Section.

20 (b) If the search of the Illinois criminal history
21 records 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 school
26 district, any other felony under the laws of this State, the
27 Department and the Federal Bureau of Investigation shall
28 furnish, pursuant to a fingerprint based background check
29 ~~positive identification~~, records of convictions, until
30 expunged, to the president of the board of education for the
31 school district which requested the investigation, or to the
32 regional superintendent who requested the investigation. Any
33 information concerning the record of convictions obtained by
34 the president of the board of education or the regional

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

1 attempted in any other state or against the laws of the
2 United States that, if committed or attempted in this State,
3 would have been punishable as a felony under the laws of this
4 State. The school board of any school district located in
5 the educational service region served by the regional
6 superintendent who issues such a certificate to an applicant
7 for employment as a substitute or concurrent part-time
8 teacher or concurrent educational support personnel employee
9 in more than one such district may rely on the certificate
10 issued by the regional superintendent to that applicant, or
11 may initiate its own investigation of the applicant through
12 the Department of State Police as provided in subsection (a).
13 Any person who releases any confidential information
14 concerning any criminal convictions of an applicant for
15 employment shall be guilty of a Class A misdemeanor, unless
16 the release of such information is authorized by this
17 Section.

18 (c) The board of education shall not knowingly employ a
19 person who has been convicted for committing attempted first
20 degree murder or for committing or attempting to commit first
21 degree murder or a Class X felony or any one or more of the
22 following offenses: (i) those defined in Sections 11-6,
23 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,
24 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,
25 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii)
26 those defined in the Cannabis Control Act, except those
27 defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii)
28 those defined in the Illinois Controlled Substances Act; and
29 (iv) any offense committed or attempted in any other state or
30 against the laws of the United States, which if committed or
31 attempted in this State, would have been punishable as one or
32 more of the foregoing offenses. Further, the board of
33 education shall not knowingly employ a person who has been
34 found to be the perpetrator of sexual or physical abuse of

1 any minor under 18 years of age pursuant to proceedings under
2 Article II of the Juvenile Court Act of 1987.

3 (d) The board of education shall not knowingly employ a
4 person for whom a criminal background investigation has not
5 been initiated.

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

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

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

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

1 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

2 Sec. 4.1. Criminal Background Investigations. The
3 Department shall require that each child care facility
4 license applicant as part of the application process, and
5 each employee of a child care facility as a condition of
6 employment, authorize an investigation to determine if such
7 applicant or employee has ever been charged with a crime and
8 if so, the disposition of those charges; this authorization
9 shall indicate the scope of the inquiry and the agencies
10 which may be contacted. Upon this authorization, the Director
11 shall request and receive information and assistance from any
12 federal, State or local governmental agency as part of the
13 authorized investigation. Each applicant shall submit his or
14 her fingerprints to the Department of State Police in the
15 form and manner prescribed by the Department of State Police.
16 These fingerprints shall be checked against the fingerprint
17 records now and hereafter filed in the Department of State
18 Police and Federal Bureau of Investigation criminal history
19 records databases. The Department of State Police shall
20 charge a fee for conducting the criminal history records
21 check, which shall be deposited in the State Police Services
22 Fund and shall not exceed the actual cost of the records
23 check. The Department of State Police shall provide
24 information concerning any criminal charges, and their
25 disposition, now or hereafter filed, against an applicant or
26 child care facility employee upon request of the Department
27 of Children and Family Services when the request is made in
28 the form and manner required by the Department of State
29 Police.

30 Information concerning convictions of a license applicant
31 investigated under this Section, including the source of the
32 information and any conclusions or recommendations derived
33 from the information, shall be provided, upon request, to
34 such applicant prior to final action by the Department on the

1 application. State conviction information provided by the
2 Department of State Police regarding Such-information-on
3 convictions-of employees or prospective employees of child
4 care facilities licensed under this Act shall be provided to
5 the operator of such facility, and, upon request, to the
6 employee or prospective employee. Any information concerning
7 criminal charges and the disposition of such charges obtained
8 by the Department shall be confidential and may not be
9 transmitted outside the Department, except as required
10 herein, and may not be transmitted to anyone within the
11 Department except as needed for the purpose of evaluating an
12 application or a child care facility employee. Only
13 information and standards which bear a reasonable and
14 rational relation to the performance of a child care facility
15 shall be used by the Department or any licensee. Any employee
16 of the Department of Children and Family Services, Department
17 of State Police, or a child care facility receiving
18 confidential information under this Section who gives or
19 causes to be given any confidential information concerning
20 any criminal convictions of a child care facility applicant,
21 or child care facility employee, shall be guilty of a Class A
22 misdemeanor unless release of such information is authorized
23 by this Section.

24 A child care facility may hire, on a probationary basis,
25 any employee authorizing a criminal background investigation
26 under this Section, pending the result of such investigation.
27 Employees shall be notified prior to hiring that such
28 employment may be terminated on the basis of criminal
29 background information obtained by the facility.

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

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

1 (225 ILCS 65/5-23)

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

3 Sec. 5-23. Criminal background check. After the
4 effective date of this amendatory Act of the 91st General
5 Assembly, the Department shall require an applicant for
6 initial licensure under this Act to submit to a criminal
7 background check by the Illinois State Police and the Federal
8 Bureau of Investigation as part of the qualification for
9 licensure. If an applicant's criminal background check
10 indicates criminal conviction, the applicant must further
11 submit to a fingerprint-based criminal background check. The
12 applicant's name, sex, race, date of birth, and social
13 security number shall be forwarded to the Illinois State
14 Police to be searched against the Illinois criminal history
15 records database in the form and manner prescribed by the
16 Illinois State Police. The Illinois State Police shall
17 charge a fee for conducting the search, which shall be
18 deposited in the State Police Services Fund and shall not
19 exceed the cost of the inquiry. If a search of the Illinois
20 criminal history records database indicates that the
21 applicant has a conviction record, a fingerprint based
22 criminal history records check shall be required. Each
23 applicant requiring a fingerprint based search shall submit
24 his or her fingerprints to the Illinois State Police in the
25 form and manner prescribed by the Illinois State Police.
26 These fingerprints shall be checked against the fingerprint
27 records now and hereafter filed in the Illinois State Police
28 and Federal Bureau of Investigation criminal history records
29 databases. The Illinois State Police shall charge a fee for
30 conducting the criminal history records check, which shall be
31 deposited in the State Police Services Fund and shall not
32 exceed the actual cost of the records check. The Illinois
33 State Police shall furnish, pursuant to positive
34 identification, records of Illinois convictions to the

1 Department. The Department shall adopt rules to implement
2 this Section.

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

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

6 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

7 Sec. 15. (a) The Board shall, in its discretion, issue
8 occupation licenses to horse owners, trainers, harness
9 drivers, jockeys, agents, apprentices, grooms, stable
10 foremen, exercise persons, veterinarians, valets,
11 blacksmiths, concessionaires and others designated by the
12 Board whose work, in whole or in part, is conducted upon
13 facilities within the State. Such occupation licenses will
14 be obtained prior to the persons engaging in their vocation
15 upon such facilities. The Board shall not license pari-mutuel
16 clerks, parking attendants, security guards and employees of
17 concessionaires. No occupation license shall be required of
18 any person who works at facilities within this State as a
19 pari-mutuel clerk, parking attendant, security guard or as an
20 employee of a concessionaire. Concessionaires of the Illinois
21 State Fair and DuQuoin State Fair and employees of the
22 Illinois Department of Agriculture shall not be required to
23 obtain an occupation license by the Board.

24 (b) Each application for an occupation license shall be
25 on forms prescribed by the Board. Such license, when issued,
26 shall be for the period ending December 31 of each year,
27 except that the Board in its discretion may grant 3-year
28 licenses. The application shall be accompanied by a fee of
29 not more than \$25 per year or, in the case of 3-year
30 occupation license applications, a fee of not more than \$60.
31 Each applicant shall set forth in the application his full
32 name and address, and if he had been issued prior occupation

1 licenses or has been licensed in any other state under any
2 other name, such name, his age, whether or not a permit or
3 license issued to him in any other state has been suspended
4 or revoked and if so whether such suspension or revocation is
5 in effect at the time of the application, and such other
6 information as the Board may require. Fees for registration
7 of stable names shall not exceed \$50.00.

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

10 (1) who has been convicted of a crime;

11 (2) who is unqualified to perform the duties
12 required of such applicant;

13 (3) who fails to disclose or states falsely any
14 information called for in the application;

15 (4) who has been found guilty of a violation of
16 this Act or of the rules and regulations of the Board; or

17 (5) whose license or permit has been suspended,
18 revoked or denied for just cause in any other state.

19 (d) The Board may suspend or revoke any occupation
20 license:

21 (1) for violation of any of the provisions of this
22 Act; or

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

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

28 (4) for any other just cause.

29 (e) Each applicant shall submit his or her fingerprints
30 to the Department of State Police in the form and manner
31 prescribed by the Department of State Police. These
32 fingerprints shall be checked against the fingerprint records
33 now and hereafter filed in the Department of State Police and
34 Federal Bureau of Investigation criminal history records

1 databases. The Department of State Police shall charge a fee
2 for conducting the criminal history records check, which
3 shall be deposited in the State Police Services Fund and
4 shall not exceed the actual cost of the records check. The
5 Department of State Police shall furnish, pursuant to
6 positive identification, records of conviction to the Board.
7 Each applicant for licensure shall submit with his occupation
8 license application, on forms provided by the Board, 2 sets
9 of his fingerprints. All such applicants shall appear in
10 person at the location designated by the Board for the
11 purpose of submitting such sets of fingerprints; however,
12 with the prior approval of a State steward, an applicant may
13 have such sets of fingerprints taken by an official law
14 enforcement agency and submitted to the Board.

15 ~~The Board shall cause one set of such fingerprints to be~~
16 ~~compared with fingerprints of criminals now or hereafter~~
17 ~~filed in the records of the Illinois Department of State~~
18 ~~Police. The Board shall also cause such fingerprints to be~~
19 ~~compared with fingerprints of criminals now or hereafter~~
20 ~~filed in the records of other official fingerprint files~~
21 ~~within or without this State.~~

22 ~~The Board may, in its discretion, require the applicant~~
23 ~~to pay a fee for the purpose of having his fingerprints~~
24 ~~processed. The fingerprint processing fee shall be set~~
25 ~~annually by the Director of State Police, based upon actual~~
26 ~~costs.~~

27 (f) The Board may, in its discretion, issue an
28 occupation license without submission of fingerprints if an
29 applicant has been duly licensed in another recognized racing
30 jurisdiction after submitting fingerprints that were
31 subjected to a Federal Bureau of Investigation criminal
32 history background check in that jurisdiction.

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

1 Section 30. The Riverboat Gambling Act is amended by
2 changing Section 22 as follows:

3 (230 ILCS 10/22) (from Ch. 120, par. 2422)

4 Sec. 22. Criminal history record information. Whenever
5 the Board is authorized or required by law to consider some
6 aspect of criminal history record information for the purpose
7 of carrying out its statutory powers and responsibilities,
8 the Board shall, in the form and manner required by the
9 Department of State Police and the Federal Bureau of
10 Investigation, cause to be conducted a criminal history
11 record investigation to obtain any information currently or
12 thereafter contained in the files of the Department of State
13 Police or the Federal Bureau of Investigation. Each applicant
14 for occupational licensing under Section 9 or key person as
15 defined by the Board in administrative rules shall submit his
16 or her fingerprints to the Department of State Police in the
17 form and manner prescribed by the Department of State Police.
18 These fingerprints shall be checked against the fingerprint
19 records now and hereafter filed in the Department of State
20 Police and Federal Bureau of Investigation criminal history
21 records databases. The Department of State Police shall
22 charge a fee for conducting the criminal history records
23 check, which shall be deposited in the State Police Services
24 Fund and shall not exceed the actual cost of the records
25 check. The Department of State Police shall provide, on the
26 Board's request, information concerning any criminal charges,
27 and their disposition, currently or thereafter filed against
28 an applicant for or holder of an occupational license.
29 Information obtained as a result of an investigation under
30 this Section shall be used in determining eligibility for an
31 occupational license under Section 9. Upon request and
32 payment of fees in conformance with the requirements of
33 Section 2605-400 of the Department of State Police Law (20

1 ILCS 2605/2605-400), the Department of State Police is
2 authorized to furnish, pursuant to positive identification,
3 such information contained in State files as is necessary to
4 fulfill the request.

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

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

8 (235 ILCS 5/4-7) (from Ch. 43, par. 114a)

9 Sec. 4-7. The local liquor control commissioner shall
10 have the right to require fingerprints of any applicant for a
11 local license or for a renewal thereof other than an
12 applicant who is an air carrier operating under a certificate
13 or a foreign air permit issued pursuant to the Federal
14 Aviation Act of 1958. Each applicant shall submit his or her
15 fingerprints to the Department of State Police in the form
16 and manner prescribed by the Department of State Police.
17 These fingerprints shall be checked 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. The Department of State Police shall
21 charge a fee for conducting the criminal history records
22 check, which shall be deposited in the State Police Services
23 Fund and shall not exceed the actual cost of the records
24 check. The Department of State Police shall furnish pursuant
25 to positive identification, records of conviction to the
26 local liquor control commissioner. For purposes of obtaining
27 fingerprints under this Section, the local liquor
28 commissioner shall collect a fee and forward the fee to the
29 appropriate policing body who shall submit the fingerprints
30 and the fee to the Illinois Department of State Police.

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

1 Section 40. The Housing Authorities Act is amended by
2 changing Section 25 as follows:

3 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

4 Sec. 25. Rentals and tenant selection. In the operation
5 or management of housing projects an Authority shall at all
6 times observe the following duties with respect to rentals
7 and tenant selection:

8 (a) It shall not accept any person as a tenant in any
9 dwelling in a housing project if the persons who would occupy
10 the dwelling have an aggregate annual income which equals or
11 exceeds the amount which the Authority determines (which
12 determination shall be conclusive) to be necessary in order
13 to enable such persons to secure safe, sanitary and
14 uncongested dwelling accommodations within the area of
15 operation of the Authority and to provide an adequate
16 standard of living for themselves.

17 (b) It may rent or lease the dwelling accommodations
18 therein only at rentals within the financial reach of persons
19 who lack the amount of income which it determines (pursuant
20 to (a) of this Section) to be necessary in order to obtain
21 safe, sanitary and uncongested dwelling accommodations within
22 the area of operation of the Authority and to provide an
23 adequate standard of living.

24 (c) It may rent or lease to a tenant a dwelling
25 consisting of the number of rooms (but no greater number)
26 which it deems necessary to provide safe and sanitary
27 accommodations to the proposed occupants thereof, without
28 overcrowding.

29 (d) It shall not change the residency preference of any
30 prospective tenant once the application has been accepted by
31 the authority.

32 (e) It may refuse to renew the tenancy of any person if,
33 after due notice and an impartial hearing, that person or any

1 of the proposed occupants of the dwelling has, during a term
2 of tenancy or occupancy in any housing project operated by an
3 Authority, been convicted of a criminal offense relating to
4 the sale or distribution of controlled substances under the
5 laws of this State, the United States or any other state.
6 Confirmation of conviction data shall be determined by a
7 fingerprint based criminal history records check. In such
8 cases, the tenant or proposed occupant to whom the
9 disqualifying conviction record belongs shall have his or her
10 fingerprints submitted to the Department of State Police in
11 the form and manner prescribed by the Department of State
12 Police. These fingerprints shall be checked against the
13 fingerprint records now and hereafter filed in the Department
14 of State Police and Federal Bureau of Investigation criminal
15 history records databases. The Department of State Police
16 shall charge a fee for conducting the criminal history
17 records check, which shall be deposited in the State Police
18 Services Fund and shall not exceed the actual cost of the
19 records check. The Department of State Police shall furnish
20 pursuant to positive identification, records of conviction to
21 the Authority.

22 (f) It may, if a tenant has created or maintained a
23 threat constituting a serious and clear danger to the health
24 or safety of other tenants or Authority employees, after 3
25 days' written notice of termination and without a hearing,
26 file suit against any such tenant for recovery of possession
27 of the premises. The tenant shall be given the opportunity
28 to contest the termination in the court proceedings. A
29 serious and clear danger to the health or safety of other
30 tenants or Authority employees shall include, but not be
31 limited to, any of the following activities of the tenant or
32 of any other person on the premises with the consent of the
33 tenant:

34 (1) Physical assault or the threat of physical

1 assault.

2 (2) Illegal use of a firearm or other weapon or the
3 threat to use in an illegal manner a firearm or other
4 weapon.

5 (3) Possession of a controlled substance by the
6 tenant or any other person on the premises with the
7 consent of the tenant if the tenant knew or should have
8 known of the possession by the other person of a
9 controlled substance, unless the controlled substance was
10 obtained directly from or pursuant to a valid
11 prescription.

12 (4) Streetgang membership as defined in the
13 Illinois Streetgang Terrorism Omnibus Prevention Act.

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

17 Nothing contained in this Section or any other Section of
18 this Act shall be construed as limiting the power of an
19 Authority to vest in a bondholder or trustee the right, in
20 the event of a default by the Authority, to take possession
21 and operate a housing project or cause the appointment of a
22 receiver thereof, free from all restrictions imposed by this
23 Section or any other Section of this Act.

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

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

27 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

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

31 (a) Be of good moral character;

32 (b) Authorize an investigation to determine if the

1 applicant has ever been convicted of a crime and if so, the
2 disposition of those convictions; this authorization shall
3 indicate the scope of the inquiry and the agencies which may
4 be contacted. Upon this authorization the Secretary of State
5 may request and receive information and assistance from any
6 federal, state or local governmental agency as part of the
7 authorized investigation. Each applicant shall submit his or
8 her fingerprints to the Department of State Police in the
9 form and manner prescribed by the Department of State Police.
10 These fingerprints shall be checked against the fingerprint
11 records now and hereafter filed in the Department of State
12 Police and Federal Bureau of Investigation criminal history
13 records databases. The Department of State Police shall
14 charge a fee for conducting the criminal history records
15 check, which shall be deposited in the State Police Services
16 Fund and shall not exceed the actual cost of the records
17 check. The Department of State Police shall provide
18 information concerning any criminal convictions, and their
19 disposition, brought against the applicant upon request of
20 the Secretary of State when the request is made in the form
21 and manner required by the Department of State Police. The
22 information derived from this investigation including the
23 source of this information, and any conclusions or
24 recommendations derived from this information by the
25 Secretary of State shall be provided to the applicant, or his
26 designee, upon request to the Secretary of State, prior to
27 any final action by the Secretary of State on the
28 application. No information obtained from such investigation
29 may be placed in any automated information system. Any
30 criminal convictions and their disposition information
31 obtained by the Secretary of State shall be confidential and
32 may not be transmitted outside the Office of the Secretary of
33 State, except as required herein, and may not be transmitted
34 to anyone within the Office of the Secretary of State except

1 as needed for the purpose of evaluating the applicant. The
2 only physical identity materials which the applicant can be
3 required to provide the Secretary of State are photographs or
4 fingerprints; these shall be returned to the applicant upon
5 request to the Secretary of State, after the investigation
6 has been completed and no copy of these materials may be kept
7 by the Secretary of State or any agency to which such
8 identity materials were transmitted. Only information and
9 standards which bear a reasonable and rational relation to
10 the performance of a driver training instructor shall be used
11 by the Secretary of State. Any employee of the Secretary of
12 State who gives or causes to be given away any confidential
13 information concerning any criminal charges and their
14 disposition of an applicant shall be guilty of a Class A
15 misdemeanor unless release of such information is authorized
16 by this Section;

17 (c) Pass such examination as the Secretary of State
18 shall require on (1) traffic laws, (2) safe driving
19 practices, (3) operation of motor vehicles, and (4)
20 qualifications of teacher;

21 (d) Be physically able to operate safely a motor vehicle
22 and to train others in the operation of motor vehicles. An
23 instructors license application must be accompanied by a
24 medical examination report completed by a competent physician
25 licensed to practice in the State of Illinois;

26 (e) Hold a valid Illinois drivers license;

27 (f) Have graduated from an accredited high school after
28 at least 4 years of high school education or the equivalent;
29 and

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

32 If a driver training school class room instructor teaches
33 an approved driver education course, as defined in Section
34 1-103 of this Code, to students under 18 years of age, he or

1 she shall furnish to the Secretary of State a certificate
2 issued by the State Board of Education that the said
3 instructor is qualified and meets the minimum educational
4 standards for teaching driver education courses in the local
5 public or parochial school systems, except that no State
6 Board of Education certification shall be required of any
7 instructor who teaches exclusively in a commercial driving
8 school. On and after July 1, 1986, the existing rules and
9 regulations of the State Board of Education concerning
10 commercial driving schools shall continue to remain in effect
11 but shall be administered by the Secretary of State until
12 such time as the Secretary of State shall amend or repeal the
13 rules in accordance with The Illinois Administrative
14 Procedure Act. Upon request, the Secretary of State shall
15 issue a certificate of completion to a student under 18 years
16 of age who has completed an approved driver education course
17 at a commercial driving school.

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

19 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

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

21 The Commission shall:

22 (1) Regulate commercial vehicle relocators and their
23 employees or agents in accordance with this Chapter and to
24 that end may establish reasonable requirements with respect
25 to proper service and practices relating thereto;

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

28 (3) Require that all drivers and other personnel used in
29 relocation be employees of a licensed relocater;

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

31 (5) Adopt reasonable and proper rules covering the
32 exercise of powers conferred upon it by this Chapter, and
33 reasonable rules governing investigations, hearings and

1 proceedings under this Chapter;

2 (6) Set reasonable rates for the commercial towing or
3 removal of trespassing vehicles from private property. The
4 rates shall not exceed the mean average of the 5 highest
5 rates for police tows within the territory to which this
6 Chapter applies that are performed under Sections 4-201 and
7 4-214 of this Code and that are of record at hearing;
8 provided that the Commission shall not re-calculate the
9 maximum specified herein if the order containing the previous
10 calculation was entered within one calendar year of the date
11 on which the new order is entered. Set reasonable rates for
12 the storage, for periods in excess of 24 hours, of the
13 vehicles in connection with the towing or removal; however,
14 no relocater shall impose charges for storage for the first
15 24 hours after towing or removal. Set reasonable rates for
16 other services provided by relocators, provided that the
17 rates shall not be charged to the owner or operator of a
18 relocated vehicle. Any fee charged by a relocator for the
19 use of a credit card that is used to pay for any service
20 rendered by the relocator shall be included in the total
21 amount that shall not exceed the maximum reasonable rate
22 established by the Commission. The Commission shall require
23 a relocator to refund any amount charged in excess of the
24 reasonable rate established by the Commission, including any
25 fee for the use of a credit card;

26 (7) Investigate and maintain current files of the
27 criminal records, if any, of all relocators and their
28 employees and of all applicants for relocator's license,
29 operator's licenses and dispatcher's licenses. If the
30 Commission determines that an applicant for a license issued
31 under this Chapter will be subjected to a criminal history
32 records check, the applicant shall submit his or her
33 fingerprints to the Department of State Police in the form
34 and manner prescribed by the Department of State Police.

1 These fingerprints shall be checked against the Department of
2 State Police and Federal Bureau of Investigation criminal
3 history record information databases now and hereafter filed.
4 The Department of State Police shall charge the applicant a
5 fee for conducting the criminal history records check, which
6 shall be deposited in the State Police Services Fund and
7 shall not exceed the actual cost of the records check. The
8 Department of State Police shall furnish pursuant to positive
9 identification, records of conviction to the Commission;

10 (8) Issue relocater's licenses, dispatcher's employment
11 permits, and operator's employment permits in accordance with
12 Article IV of this Chapter;

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

15 (10) Upon verified complaint in writing by any person,
16 organization or body politic, or upon its own initiative may,
17 investigate whether any commercial vehicle relocater,
18 operator, dispatcher, or person otherwise required to comply
19 with any provision of this Chapter or any rule promulgated
20 hereunder, has failed to comply with any provision or rule;

21 (11) Whenever the Commission receives notice from the
22 Secretary of State that any domestic or foreign corporation
23 regulated under this Chapter has not paid a franchise tax,
24 license fee or penalty required under the Business
25 Corporation Act of 1983, institute proceedings for the
26 revocation of the license or right to engage in any business
27 required under this Chapter or the suspension thereof until
28 such time as the delinquent franchise tax, license fee or
29 penalty is paid.

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

31 Section 50. The Adoption Act is amended by changing
32 Section 6 as follows:

1 (750 ILCS 50/6) (from Ch. 40, par. 1508)

2 Sec. 6. A. Investigation; all cases. Within 10 days
3 after the filing of a petition for the adoption or standby
4 adoption of a child other than a related child, the court
5 shall appoint a child welfare agency approved by the
6 Department of Children and Family Services, or a person
7 deemed competent by the court, or in Cook County the Court
8 Services Division of the Cook County Department of Public
9 Aid, or the Department of Children and Family Services if the
10 court determines that no child welfare agency is available or
11 that the petitioner is financially unable to pay for the
12 investigation, to investigate accurately, fully and promptly,
13 the allegations contained in the petition; the character,
14 reputation, health and general standing in the community of
15 the petitioners; the religious faith of the petitioners and,
16 if ascertainable, of the child sought to be adopted; and
17 whether the petitioners are proper persons to adopt the child
18 and whether the child is a proper subject of adoption. The
19 investigation required under this Section shall include a
20 fingerprint based criminal background check with a review of
21 fingerprints by the Illinois State Police and Federal Bureau
22 of Investigation authorities. Each petitioner subject to this
23 investigation, shall submit his or her fingerprints to the
24 Department of State Police in the form and manner prescribed
25 by the Department of State Police. These fingerprints shall
26 be checked against the fingerprint records now and hereafter
27 filed in the Department of State Police and Federal Bureau of
28 Investigation criminal history records databases. The
29 Department of State Police shall charge a fee for conducting
30 the criminal history records check, which shall be deposited
31 in the State Police Services Fund and shall not exceed the
32 actual cost of the records check. The criminal background
33 check required by this Section shall include a listing of
34 when, where and by whom the criminal background check was

1 prepared. The criminal background check required by this
2 Section shall not be more than two years old.

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

7 B. Investigation; foreign-born child. In the case of a
8 child born outside the United States or a territory thereof,
9 in addition to the investigation required under subsection
10 (A) of this Section, a post-placement investigation shall be
11 conducted in accordance with the requirements of the Child
12 Care Act of 1969, the Interstate Compact on the Placement of
13 Children, and regulations of the foreign placing agency and
14 the supervising agency.

15 The requirements of a post-placement investigation shall
16 be deemed to have been satisfied if a valid final order or
17 judgment of adoption has been entered by a court of competent
18 jurisdiction in a country other than the United States or a
19 territory thereof with respect to such child and the
20 petitioners.

21 C. Report of investigation. The court shall determine
22 whether the costs of the investigation shall be charged to
23 the petitioners. The information obtained as a result of such
24 investigation shall be presented to the court in a written
25 report. The results of the criminal background check required
26 under subsection (A) shall be provided to the court for its
27 review. The court may, in its discretion, weigh the
28 significance of the results of the criminal background check
29 against the entirety of the background of the petitioners.
30 The Court, in its discretion, may accept the report of the
31 investigation previously made by a licensed child welfare
32 agency, if made within one year prior to the entry of the
33 judgment. Such report shall be treated as confidential and
34 withheld from inspection unless findings adverse to the

1 petitioners or to the child sought to be adopted are
2 contained therein, and in that event the court shall inform
3 the petitioners of the relevant portions pertaining to the
4 adverse findings. In no event shall any facts set forth in
5 the report be considered at the hearing of the proceeding,
6 unless established by competent evidence. The report shall be
7 filed with the record of the proceeding. If the file
8 relating to the proceeding is not impounded, the report shall
9 be impounded by the clerk of the court and shall be made
10 available for inspection only upon order of the court.

11 D. Related adoption. Such investigation shall not be
12 made when the petition seeks to adopt a related child or an
13 adult unless the court, in its discretion, shall so order. In
14 such an event the court may appoint a person deemed competent
15 by the court.

16 (Source: P.A. 91-429, eff. 1-1-00; 91-572, eff. 1-1-00;
17 91-740, eff. 6-2-00.)