

1 AN ACT concerning education.

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

4 Section 1. Short title. This Act may be cited as the
5 Medical School Matriculant Criminal History Records Check Act.

6 Section 5. Definitions.

7 "Matriculant" means an individual who is conditionally
8 admitted as a student to a medical school located in Illinois,
9 pending the medical school's consideration of his or her
10 criminal history records check under this Act.

11 "Sex offender" means any person who is convicted pursuant
12 to Illinois law or any substantially similar federal, Uniform
13 Code of Military Justice, sister state, or foreign country law
14 with any of the following sex offenses set forth in the
15 Criminal Code of 1961:

- 16 (1) Indecent solicitation of a child.
- 17 (2) Sexual exploitation of a child.
- 18 (3) Custodial sexual misconduct.
- 19 (4) Exploitation of a child.
- 20 (5) Child pornography.

21 "Violent felony" means any of the following offenses, as
22 defined by the Criminal Code of 1961:

- 23 (1) First degree murder.
- 24 (2) Second degree murder.
- 25 (3) Predatory criminal sexual assault of a child.
- 26 (4) Aggravated criminal sexual assault.
- 27 (5) Criminal sexual assault.
- 28 (6) Aggravated arson.
- 29 (7) Aggravated kidnapping.
- 30 (8) Kidnapping.
- 31 (9) Aggravated battery resulting in great bodily harm
32 or permanent disability or disfigurement.

1 Section 10. Criminal history records check for
2 matriculants. A medical school located in Illinois must require
3 that each matriculant submit to a fingerprint-based criminal
4 history records check for violent felony convictions and any
5 adjudication of the matriculant as a sex offender conducted by
6 the Department of State Police and the Federal Bureau of
7 Investigation as part of the medical school admissions process.
8 A medical school shall forward the name, sex, race, date of
9 birth, social security number, and fingerprints of each of its
10 matriculants to the Department of State Police to be searched
11 against the Statewide Sex Offender Database and the fingerprint
12 records now and hereafter filed in the Department of State
13 Police and Federal Bureau of Investigation criminal history
14 records databases. The fingerprints of each matriculant must be
15 submitted in the form and manner prescribed by the Department
16 of State Police. The Department of State Police shall furnish,
17 pursuant to positive identification, records of a
18 matriculant's violent felony convictions and any record of a
19 matriculant's adjudication as a sex offender to the medical
20 school that requested the criminal history records check.

21 Section 15. Fees. The Department of State Police shall
22 charge each requesting medical school a fee for conducting the
23 criminal history records check under Section 10 of this Act,
24 which shall be deposited in the State Police Services Fund and
25 shall not exceed the cost of the inquiry. Each requesting
26 medical school is solely responsible for payment of this fee to
27 the Department of State Police. Each medical school may impose
28 its own fee upon a matriculant to cover the cost of the
29 criminal history records check at the time the matriculant
30 submits to the criminal history records check.

31 Section 20. Admissions decision. The information collected
32 under this Act as a result of the criminal history records
33 check must be considered by the requesting medical school in

1 determining whether or not to officially admit a matriculant.
2 Upon a medical school's evaluation of a matriculant's criminal
3 history records check, a matriculant who has been convicted of
4 a violent felony conviction or adjudicated a sex offender may
5 be precluded from gaining official admission to that medical
6 school; however, a violent felony conviction or an adjudication
7 as a sex offender shall not serve as an automatic bar to
8 official admission to a medical school located in Illinois.

9 Section 25. Civil immunity. Except for wilful or wanton
10 misconduct, no medical school acting under the provisions of
11 this Act shall be civilly liable to any matriculant for any
12 decision made pursuant to Section 20 of this Act.

13 Section 30. Applicability. This Act applies only to
14 matriculants who are conditionally admitted to a medical school
15 located in Illinois on or after the effective date of this Act.

16 Section 90. The Department of State Police Law of the Civil
17 Administrative Code of Illinois is amended by adding Section
18 2605-327 as follows:

19 (20 ILCS 2605/2605-327 new)

20 Sec. 2605-327. Conviction and sex offender information for
21 medical school. Upon the request of a medical school under the
22 Medical School Matriculant Criminal History Records Check Act,
23 to ascertain whether a matriculant of the medical school has
24 been convicted of any violent felony or has been adjudicated a
25 sex offender. The Department shall furnish this information to
26 the medical school that requested the information.

27 Pursuant to the Medical School Matriculant Criminal
28 History Records Check Act, the Department shall conduct a
29 fingerprint-based criminal history records check of the
30 Statewide Sex Offender Database, the Illinois criminal history
31 records database, and the Federal Bureau of Investigation
32 criminal history records database. The Department may charge

1 the requesting medical school a fee for conducting the
2 fingerprint-based criminal history records check. The fee
3 shall not exceed the cost of the inquiry and shall be deposited
4 into the State Police Services Fund.

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