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09500SB2552ham001

LRB095 19700 DRJ 51256 a

1 AMENDMENT TO SENATE BILL 2552

2 AMENDMENT NO. _____. Amend Senate Bill 2552 by replacing
3 everything after the enacting clause with the following:

4 "Section 2. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-186 as follows:

7 (20 ILCS 2310/2310-186 new)

8 Sec. 2310-186. Criminal history record checks; task force.
9 The Department of Public Health in collaboration with the
10 Department of State Police shall create a task force to examine
11 the process used by State and local governmental agencies to
12 conduct criminal history record checks as a condition of
13 employment or approval to render provider services to such an
14 agency.

15 The task force shall be comprised of representatives from

1 State and local agencies that require an applicant to undergo a
2 fingerprint-based criminal history record check pursuant to
3 State law or agencies that are contemplating such a
4 requirement. The task force shall include but need not be
5 limited to representatives from the Department of State Police,
6 the Department of Children and Family Services, the Department
7 of Central Management Services, the Department of Healthcare
8 and Family Services, the Department of Financial and
9 Professional Regulation, the Department of Public Health, the
10 Department of Human Services, the Office of the Secretary of
11 State, and the Illinois State Board of Education (whose
12 representative or representatives shall consult with the
13 Regional Offices of Education and representatives of 2
14 statewide teachers unions, a statewide organization
15 representing school principals, a statewide school
16 administrators organization, and school bus companies). The
17 task force shall be chaired by 2 co-chairpersons, one appointed
18 by the Director of Public Health and the other appointed by the
19 Director of State Police. The task force members shall be
20 appointed within 30 days after the effective date of this
21 amendatory Act of the 95th General Assembly. The Department of
22 Public Health and the Department of State Police shall jointly
23 provide administrative and staff support to the task force as
24 needed.

25 The task force shall review and make recommendations to
26 create a more centralized and coordinated process for

1 conducting criminal history record checks in order to reduce
2 duplication of effort and make better use of resources and more
3 efficient use of taxpayer dollars.

4 The task force shall provide a plan to revise the criminal
5 history record check process to the General Assembly by August
6 1, 2009. The plan shall address the following issues:

7 (1) Identification of any areas of concern that have
8 been identified by stakeholders and task force members
9 regarding State-mandated criminal history record checks.

10 (2) Evaluation of the feasibility of using an
11 applicant's initial criminal history record information
12 results for subsequent employment or licensing screening
13 purposes while protecting the confidentiality of the
14 applicant.

15 (3) Evaluation of the feasibility of centralizing the
16 screening of criminal history record information inquiry
17 responses.

18 (4) Identification and evaluation of existing
19 technologies that could be utilized to eliminate the need
20 for a subsequent fingerprint inquiry each time an applicant
21 changes employment or seeks a license requiring a criminal
22 history record inquiry.

23 (5) Identification of any areas where State-mandated
24 criminal history record checks can be implemented in a more
25 efficient and cost-effective manner.

26 (6) Evaluation of what other states are doing to

1 address similar concerns.

2 (7) Identification of programs serving vulnerable
3 populations that do not currently require criminal history
4 record information to determine whether those programs
5 should be included in a centralized screening of criminal
6 history record information.

7 (8) Preparation of a report for the General Assembly
8 proposing solutions that can be adopted to eliminate the
9 duplication of applicant fingerprint submissions and the
10 duplication of criminal records check response screening
11 efforts and to minimize the costs of conducting State and
12 FBI fingerprint-based inquiries in Illinois.

13 Notwithstanding any other rulemaking authority that may
14 exist, neither the Governor nor any agency or agency head under
15 the jurisdiction of the Governor has any authority to make or
16 promulgate rules to implement or enforce the provisions of this
17 amendatory Act of the 95th General Assembly. If, however, the
18 Governor believes that rules are necessary to implement or
19 enforce the provisions of this amendatory Act of the 95th
20 General Assembly, the Governor may suggest rules to the General
21 Assembly by filing them with the Clerk of the House and
22 Secretary of the Senate and by requesting that the General
23 Assembly authorize such rulemaking by law, enact those
24 suggested rules into law, or take any other appropriate action
25 in the General Assembly's discretion. Nothing contained in this
26 amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other
2 Illinois statute where such authority is not otherwise
3 explicitly given. For the purposes of this amendatory Act of
4 the 95th General Assembly, "rules" is given the meaning
5 contained in Section 1-70 of the Illinois Administrative
6 Procedure Act, and "agency" and "agency head" are given the
7 meanings contained in Sections 1-20 and 1-25 of the Illinois
8 Administrative Procedure Act to the extent that such
9 definitions apply to agencies or agency heads under the
10 jurisdiction of the Governor.

11 Section 5. The Illinois Public Aid Code is amended by
12 changing Section 9A-11.5 as follows:

13 (305 ILCS 5/9A-11.5)

14 Sec. 9A-11.5. Investigate child care providers.

15 (a) Any child care provider receiving funds from the child
16 care assistance program under this Code who is not required to
17 be licensed under the Child Care Act of 1969 shall, as a
18 condition of eligibility to participate in the child care
19 assistance program under this Code, authorize in writing on a
20 form prescribed by the Department of Children and Family
21 Services, periodic investigations of the Central Register, as
22 defined in the Abused and Neglected Child Reporting Act, to
23 ascertain if the child care provider has been determined to be
24 a perpetrator in an indicated report of child abuse or neglect.

1 The Department of Children and Family Services shall conduct an
2 investigation of the Central Register at the request of the
3 Department. ~~The Department shall request the Department of~~
4 ~~Children and Family Services to conduct periodic~~
5 ~~investigations of the Central Register.~~

6 (b) Any child care provider, other than a relative of the
7 child, receiving funds from the child care assistance program
8 under this Code who is not required to be licensed under the
9 Child Care Act of 1969 shall, as a condition of eligibility to
10 participate in the child care assistance program under this
11 Code, authorize in writing an investigation to determine if the
12 child care provider has ever been convicted of a crime with
13 respect to which the conviction has not been overturned and the
14 criminal records have not been sealed or expunged. Upon this
15 authorization, the Department shall request and receive
16 information and assistance from any federal or State
17 governmental agency as part of the authorized investigation.
18 The Department of State Police shall provide information
19 concerning any conviction that has not been overturned and with
20 respect to which the criminal records have not been sealed or
21 expunged, whether the conviction occurred before or on or after
22 the effective date of this amendatory Act of the 95th General
23 Assembly, of a child care provider upon the request of the
24 Department when the request is made in the form and manner
25 required by the Department of State Police. Any information
26 concerning convictions that have not been overturned and with

1 respect to which the criminal records have not been sealed or
2 expunged obtained by the Department is confidential and may not
3 be transmitted (i) outside the Department except as required in
4 this Section or (ii) to anyone within the Department except as
5 needed for the purposes of determining participation in the
6 child care assistance program.

7 (c) The Department shall by rule determine when payment to
8 an unlicensed child care provider may be withheld if there is
9 an indicated finding against the provider based on the results
10 of the Central Register search, or a disqualifying criminal
11 conviction that has not been overturned and with respect to
12 which the criminal records have not been sealed or expunged
13 based on the results of the criminal background information
14 obtained by the Department in the Central Register.

15 (d) Notwithstanding any other rulemaking authority that
16 may exist, neither the Governor nor any agency or agency head
17 under the jurisdiction of the Governor has any authority to
18 make or promulgate rules to implement or enforce the provisions
19 of this amendatory Act of the 95th General Assembly. If,
20 however, the Governor believes that rules are necessary to
21 implement or enforce the provisions of this amendatory Act of
22 the 95th General Assembly, the Governor may suggest rules to
23 the General Assembly by filing them with the Clerk of the House
24 and Secretary of the Senate and by requesting that the General
25 Assembly authorize such rulemaking by law, enact those
26 suggested rules into law, or take any other appropriate action

1 in the General Assembly's discretion. Nothing contained in this
2 amendatory Act of the 95th General Assembly shall be
3 interpreted to grant rulemaking authority under any other
4 Illinois statute where such authority is not otherwise
5 explicitly given. For the purposes of this amendatory Act of
6 the 95th General Assembly, "rules" is given the meaning
7 contained in Section 1-70 of the Illinois Administrative
8 Procedure Act, and "agency" and "agency head" are given the
9 meanings contained in Sections 1-20 and 1-25 of the Illinois
10 Administrative Procedure Act to the extent that such
11 definitions apply to agencies or agency heads under the
12 jurisdiction of the Governor.

13 (Source: P.A. 92-825, eff. 8-21-02.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."