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LRB096 10732 KTG 25754 a

1 AMENDMENT TO SENATE BILL 1677

2 AMENDMENT NO. _____. Amend Senate Bill 1677 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
16 State and local agencies that require an applicant to undergo a

1 fingerprint-based criminal history record check pursuant to
2 State or federal law or agencies that are contemplating such a
3 requirement. The task force shall include but need not be
4 limited to representatives from the Department of State Police,
5 the Illinois Criminal Justice Information Authority, the
6 Department of Children and Family Services, the Department of
7 Central Management Services, the Department of Healthcare and
8 Family Services, the Department of Financial and Professional
9 Regulation, the Department of Public Health, the Department of
10 Human Services, the Department of Labor, the Office of the
11 Secretary of State, the Illinois State Board of Education
12 (whose representative or representatives shall consult with
13 the 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 Live Scan fingerprinting industry, a union for child care
18 workers who provide service to children, a large regional park
19 district, and at least 2 statewide non-governmental,
20 non-profit multi-issue advocacy organizations to represent the
21 interests of prospective employees. The task force shall be
22 chaired by 2 co-chairpersons, one appointed by the Director of
23 Public Health and the other appointed by the Director of State
24 Police. The task force members shall be appointed within 30
25 days after the effective date of this amendatory Act of the
26 96th General Assembly. The Department of Public Health and the

1 Department of State Police shall jointly provide
2 administrative and staff support to the task force as needed.

3 The task force shall review and make recommendations to
4 create a more centralized and coordinated process for
5 conducting criminal history record checks in order to reduce
6 duplication of effort and make better use of resources and more
7 efficient use of taxpayer dollars.

8 The task force shall provide a plan to revise the criminal
9 history record check process to the General Assembly by January
10 1, 2011. The plan shall address the following issues:

11 (1) Identification of any areas of concern that have
12 been identified by stakeholders and task force members
13 regarding State- or federally-mandated criminal history
14 record checks.

15 (2) Evaluation of the feasibility of using an
16 applicant's initial criminal history record information
17 results for subsequent employment or licensing screening
18 purposes while protecting the confidentiality of the
19 applicant.

20 (3) Evaluation of the feasibility of centralizing the
21 screening of criminal history record information inquiry
22 responses.

23 (4) Identification and evaluation of existing
24 technologies that could be utilized to eliminate the need
25 for a subsequent fingerprint inquiry each time an applicant
26 changes employment or seeks a license requiring a criminal

1 history record inquiry.

2 (5) Identification of any areas where State- or
3 federally-mandated criminal history record checks can be
4 implemented in a more efficient and cost-effective manner.

5 (6) Evaluation of what other states and the federal
6 government are doing to address similar concerns.

7 (7) Identification of programs serving vulnerable
8 populations that do not currently require criminal history
9 record information to determine whether those programs
10 should be included in a centralized screening of criminal
11 history record information.

12 (8) Identification of any issues that agencies face in
13 interpreting criminal history records, such as
14 differentiating among types of dispositions, and
15 evaluation of how those records can be presented in a
16 format better tailored to non-law enforcement purposes.

17 (9) Ensuring that any centralized criminal history
18 records system discloses sealed criminal history records
19 only to those agencies authorized to receive those records
20 under Illinois law.

21 (10) Evaluation of the feasibility of creating a
22 process whereby agencies provide copies of the criminal
23 background check to applicants for the purpose of providing
24 applicants with the opportunity to assess the accuracy of
25 the records.

26 (11) Evaluation of the feasibility of adopting a

1 uniform procedure for obtaining disposition information
2 where an arrest or criminal charge is reported without
3 subsequent disposition.

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

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

12 (305 ILCS 5/9A-11.5)

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

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

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

5 (b) Any child care provider, other than a relative of the
6 child, receiving funds from the child care assistance program
7 under this Code who is not required to be licensed under the
8 Child Care Act of 1969 shall, as a condition of eligibility to
9 participate in the child care assistance program under this
10 Code, authorize in writing a State and Federal Bureau of
11 Investigation fingerprint-based criminal history record check
12 to determine if the child care provider has ever been convicted
13 of a crime with respect to which the conviction has not been
14 overturned and the criminal records have not been sealed or
15 expunged. Upon this authorization, the Department shall
16 request and receive information and assistance from any federal
17 or State governmental agency as part of the authorized criminal
18 history record check. The Department of State Police shall
19 provide information concerning any conviction that has not been
20 overturned and with respect to which the criminal records have
21 not been sealed or expunged, whether the conviction occurred
22 before or on or after the effective date of this amendatory Act
23 of the 96th General Assembly, of a child care provider upon the
24 request of the Department when the request is made in the form
25 and manner required by the Department of State Police. The
26 Department of State Police shall charge a fee not to exceed the

1 cost of processing the criminal history record check. The fee
2 is to be deposited into the State Police Services Fund. Any
3 information concerning convictions that have not been
4 overturned and with respect to which the criminal records have
5 not been sealed or expunged obtained by the Department is
6 confidential and may not be transmitted (i) outside the
7 Department except as required in this Section or (ii) to anyone
8 within the Department except as needed for the purposes of
9 determining participation in the child care assistance
10 program. A copy of the criminal history record check obtained
11 from the Department of State Police shall be provided to the
12 unlicensed child care provider.

13 (c) The Department shall by rule set standards for
14 determining when to disqualify an unlicensed child care
15 provider for payment because (i) there is an indicated finding
16 against the provider based on the results of the Central
17 Register search or (ii) there is a disqualifying criminal
18 charge pending against the provider or the provider has a
19 disqualifying criminal conviction that has not been overturned
20 and with respect to which the criminal records have not been
21 expunged or sealed based on the results of the
22 fingerprint-based Department of State Police and Federal
23 Bureau of Investigation criminal history record check. In
24 determining whether to disqualify an unlicensed child care
25 provider for payment under this subsection, the Department
26 shall consider the nature and gravity of any offense or

1 offenses; the time that has passed since the offense or
2 offenses or the completion of the criminal sentence or both;
3 and the relationship of the offense or offenses to the
4 responsibilities of the child care provider ~~determine when~~
5 ~~payment to an unlicensed child care provider may be withheld if~~
6 ~~there is an indicated finding against the provider in the~~
7 ~~Central Register.~~

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

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."