

HB4366



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4366

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

20 ILCS 2630/2.1

from Ch. 38, par. 206-2.1

Amends the Criminal Identification Act. Provides that the clerk of the circuit court of each county shall provide information for each charge judgments of guilty including the sentence pronounced by the court with statutory citations to the relevant sentencing provision beginning January 1, 2019. Effective immediately.

LRB100 17046 SLF 32197 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Criminal Identification Act is amended by
5 changing Section 2.1 as follows:

6 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

7 Sec. 2.1. For the purpose of maintaining complete and
8 accurate criminal records of the Department of State Police, it
9 is necessary for all policing bodies of this State, the clerk
10 of the circuit court, the Illinois Department of Corrections,
11 the sheriff of each county, and State's Attorney of each county
12 to submit certain criminal arrest, charge, and disposition
13 information to the Department for filing at the earliest time
14 possible. Unless otherwise noted herein, it shall be the duty
15 of all policing bodies of this State, the clerk of the circuit
16 court, the Illinois Department of Corrections, the sheriff of
17 each county, and the State's Attorney of each county to report
18 such information as provided in this Section, both in the form
19 and manner required by the Department and within 30 days of the
20 criminal history event. Specifically:

21 (a) Arrest Information. All agencies making arrests
22 for offenses which are required by statute to be collected,
23 maintained or disseminated by the Department of State

1 Police shall be responsible for furnishing daily to the
2 Department fingerprints, charges and descriptions of all
3 persons who are arrested for such offenses. All such
4 agencies shall also notify the Department of all decisions
5 by the arresting agency not to refer such arrests for
6 prosecution. With approval of the Department, an agency
7 making such arrests may enter into arrangements with other
8 agencies for the purpose of furnishing daily such
9 fingerprints, charges and descriptions to the Department
10 upon its behalf.

11 (b) Charge Information. The State's Attorney of each
12 county shall notify the Department of all charges filed and
13 all petitions filed alleging that a minor is delinquent,
14 including all those added subsequent to the filing of a
15 case, and whether charges were not filed in cases for which
16 the Department has received information required to be
17 reported pursuant to paragraph (a) of this Section. With
18 approval of the Department, the State's Attorney may enter
19 into arrangements with other agencies for the purpose of
20 furnishing the information required by this subsection (b)
21 to the Department upon the State's Attorney's behalf.

22 (c) Disposition Information. The clerk of the circuit
23 court of each county shall furnish the Department, in the
24 form and manner required by the Supreme Court, with all
25 final dispositions of cases for which the Department has
26 received information required to be reported pursuant to

1 paragraph (a) or (d) of this Section. Such information
2 shall include, for each charge, all (1) judgments of not
3 guilty, judgments of guilty including the sentence
4 pronounced by the court with statutory citations to the
5 relevant sentencing provision beginning January 1, 2019,
6 findings that a minor is delinquent and any sentence made
7 based on those findings, discharges and dismissals in the
8 court; (2) reviewing court orders filed with the clerk of
9 the circuit court which reverse or remand a reported
10 conviction or findings that a minor is delinquent or that
11 vacate or modify a sentence or sentence made following a
12 trial that a minor is delinquent; (3) continuances to a
13 date certain in furtherance of an order of supervision
14 granted under Section 5-6-1 of the Unified Code of
15 Corrections or an order of probation granted under Section
16 10 of the Cannabis Control Act, Section 410 of the Illinois
17 Controlled Substances Act, Section 70 of the
18 Methamphetamine Control and Community Protection Act,
19 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
20 the Criminal Code of 1961 or the Criminal Code of 2012,
21 Section 10-102 of the Illinois Alcoholism and Other Drug
22 Dependency Act, Section 40-10 of the Alcoholism and Other
23 Drug Abuse and Dependency Act, Section 10 of the Steroid
24 Control Act, or Section 5-615 of the Juvenile Court Act of
25 1987; and (4) judgments or court orders terminating or
26 revoking a sentence to or juvenile disposition of

1 probation, supervision or conditional discharge and any
2 resentencing or new court orders entered by a juvenile
3 court relating to the disposition of a minor's case
4 involving delinquency after such revocation.

5 (d) Fingerprints After Sentencing.

6 (1) After the court pronounces sentence, sentences
7 a minor following a trial in which a minor was found to
8 be delinquent or issues an order of supervision or an
9 order of probation granted under Section 10 of the
10 Cannabis Control Act, Section 410 of the Illinois
11 Controlled Substances Act, Section 70 of the
12 Methamphetamine Control and Community Protection Act,
13 Section 12-4.3 or subdivision (b)(1) of Section
14 12-3.05 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, Section 10-102 of the Illinois Alcoholism
16 and Other Drug Dependency Act, Section 40-10 of the
17 Alcoholism and Other Drug Abuse and Dependency Act,
18 Section 10 of the Steroid Control Act, or Section 5-615
19 of the Juvenile Court Act of 1987 for any offense which
20 is required by statute to be collected, maintained, or
21 disseminated by the Department of State Police, the
22 State's Attorney of each county shall ask the court to
23 order a law enforcement agency to fingerprint
24 immediately all persons appearing before the court who
25 have not previously been fingerprinted for the same
26 case. The court shall so order the requested

1 fingerprinting, if it determines that any such person
2 has not previously been fingerprinted for the same
3 case. The law enforcement agency shall submit such
4 fingerprints to the Department daily.

5 (2) After the court pronounces sentence or makes a
6 disposition of a case following a finding of
7 delinquency for any offense which is not required by
8 statute to be collected, maintained, or disseminated
9 by the Department of State Police, the prosecuting
10 attorney may ask the court to order a law enforcement
11 agency to fingerprint immediately all persons
12 appearing before the court who have not previously been
13 fingerprinted for the same case. The court may so order
14 the requested fingerprinting, if it determines that
15 any so sentenced person has not previously been
16 fingerprinted for the same case. The law enforcement
17 agency may retain such fingerprints in its files.

18 (e) Corrections Information. The Illinois Department
19 of Corrections and the sheriff of each county shall furnish
20 the Department with all information concerning the
21 receipt, escape, execution, death, release, pardon,
22 parole, commutation of sentence, granting of executive
23 clemency or discharge of an individual who has been
24 sentenced or committed to the agency's custody for any
25 offenses which are mandated by statute to be collected,
26 maintained or disseminated by the Department of State

1 Police. For an individual who has been charged with any
2 such offense and who escapes from custody or dies while in
3 custody, all information concerning the receipt and escape
4 or death, whichever is appropriate, shall also be so
5 furnished to the Department.

6 (Source: P.A. 100-3, eff. 1-1-18.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.