



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2731

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

20 ILCS 805/805-50 new
20 ILCS 2605/2605-347 new

Amends the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois. Provides that it is unlawful for a person to volunteer for the Department of Natural Resources on Department owned or controlled property until a criminal background check has been approved by the Department. Provides that each volunteer applicant shall complete and sign a Department of Central Management Services Authorization for Release of Criminal History Information. Provides for certain criteria to determine if the applicant may volunteer with the Department. Provides that if the applicant believes the criminal history information is inaccurate, incomplete, or maintained in violation of any State or federal law or regulation, the applicant may order a Federal Bureau Investigation identity history report and challenge the criminal history within 30 days of the notification of denial by the Department. Provides that a criminal background check may be required by the Department at any time during the volunteer's time with the Department. Makes conforming changes to the Department of State Police Law of the Civil Administrative Code of Illinois. Makes other changes.

LRB101 08827 SLF 53916 b

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 Department of Natural Resources
5 (Conservation) Law of the Civil Administrative Code of Illinois
6 is amended by adding Section 805-50 as follows:

7 (20 ILCS 805/805-50 new)

8 Sec. 805-50. Criminal background checks.

9 (a) It is unlawful for a person to volunteer for the
10 Department on Department owned or controlled property until a
11 criminal background check has been approved by the Department.
12 A Department criminal background check of prospective
13 Department volunteers shall include a review of criminal
14 conviction history provided by the Department of State Police
15 and a review of public databases including: Sex Offender
16 Registration, Murderer and Violent Offenders Against Youth,
17 and Methamphetamine Manufacturers.

18 (b) Each volunteer applicant shall complete and sign a
19 Department of Central Management Services Authorization for
20 Release of Criminal History Information, CMS Form 248A
21 ("Authorization Form"). The applicant must list his or her
22 permanent street address on the Authorization Form. A post
23 office address without a street address will not be accepted.

1 Campground hosts must submit an Authorization Form for all
2 residents of the host site.

3 (c) Upon receipt of the completed and signed Authorization
4 Form, the Department shall review the criminal background
5 information provided. If no such information is found, the
6 Department shall notify the Volunteer Supervisor of approval by
7 email or telephone. Volunteers must immediately notify the
8 Department in writing of any convictions or other relevant
9 change in status after this process is completed.

10 (d) The following criteria shall be used to determine if
11 the applicant may volunteer with the Department:

12 (1) An applicant that does not consent to a criminal
13 background check and fails to complete and sign the
14 Authorization Form or cooperate with the background check
15 process shall be denied.

16 (2) An applicant that makes false statements regarding
17 his or her criminal history or fails to disclose criminal
18 history may be denied.

19 (3) A person convicted of a violent crime, a crime
20 against a person, a crime involving the use of a weapon, or
21 is a registered sex offender shall immediately be denied
22 without review.

23 (4) A person applying for Campground host shall be
24 denied if he or she has been convicted of theft or related
25 crimes.

26 (5) A person applying for Campground host jointly shall

1 be denied jointly if one individual has been denied.

2 (6) Records of arrest not followed by a conviction and
3 convictions that have been annulled or expunged shall not
4 be considered grounds for denial. The successful
5 completion of a period of supervision shall not be
6 considered a conviction.

7 (7) The Department has discretion to accept or deny any
8 volunteer based on his or her criminal record and
9 anticipated duties.

10 (8) If a decision is reached to deny the applicant
11 based on his or her criminal record, the Department
12 designee shall notify the applicant in writing by certified
13 mail, with a copy of the denial sent to the Volunteer
14 Supervisor.

15 (e) If the applicant believes the criminal history
16 information is inaccurate, incomplete, or maintained in
17 violation of any State or federal law or regulation, the
18 applicant may order a Federal Bureau Investigation identity
19 history report and challenge the criminal history within 30
20 days of the notification of denial by the Department. The
21 applicant shall be responsible for any costs associated with
22 challenging a Department denial.

23 (f) If the Department of State Police background check
24 reveals convictions outside of the State, the volunteer shall
25 be denied unless he or she furnishes a Federal Bureau
26 Investigation identity history report for further review and

1 consideration. The volunteer is responsible for any costs
2 associated to furnish the Federal Bureau Investigation
3 identity history report.

4 (g) A criminal background check may be required by the
5 Department at any time during the volunteer's time with the
6 Department. A new Authorization Form must be completed by the
7 volunteer upon request. Failure to comply with a Department
8 request for an additional background check may result in the
9 volunteer being denied or revoked.

10 Section 10. The Department of State Police Law of the Civil
11 Administrative Code of Illinois is amended by adding Section
12 2605-347 as follows:

13 (20 ILCS 2605/2605-347 new)

14 Sec. 2605-347. Criminal history information for Department
15 of Natural Resources. Upon request of the Department of Natural
16 Resources, the Department shall conduct an assessment and
17 evaluation of criminal history information as required under
18 Section 805-50 of the Department of Natural Resources
19 (Conservation) Law. The request shall be in a form and manner
20 specified by the Department.