



Sen. Scott M. Bennett

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10000SB3240sam002

LRB100 20750 MJP 38037 a

1 AMENDMENT TO SENATE BILL 3240

2 AMENDMENT NO. _____. Amend Senate Bill 3240 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Amusement Ride and Attraction Safety Act is
5 amended by changing Section 2-20 as follows:

6 (430 ILCS 85/2-20)

7 Sec. 2-20. Employment of carnival and amusement enterprise
8 workers.

9 (a) Beginning on January 1, 2008, no person, firm,
10 corporation, or other entity that owns or operates a carnival,
11 amusement enterprise, or fair shall employ a carnival or
12 amusement enterprise worker who (i) has been convicted of any
13 offense set forth in Article 11 of the Criminal Code of 1961 or
14 the Criminal Code of 2012, (ii) is a registered sex offender,
15 as defined in the Sex Offender Registration Act, or (iii) has
16 ever been convicted of any offense set forth in Article 9 of

1 the Criminal Code of 1961 or the Criminal Code of 2012.

2 (b) A person, firm, corporation, or other entity that owns
3 or operates a carnival, amusement enterprise, or fair must
4 conduct a criminal history records check and perform a check of
5 the National Sex Offender Public Registry for carnival or
6 amusement enterprise workers at the time they are hired, and
7 annually thereafter except if they are in the continued employ
8 of the entity.

9 The criminal history records check performed under this
10 subsection (b) shall be performed by the Illinois State Police,
11 another State or federal law enforcement agency, or a business
12 belonging to the National Association of Professional
13 Background Check Screeners. Any criminal history checks
14 performed by the Illinois State Police shall be pursuant to the
15 Illinois Uniform Conviction Information Act.

16 Individuals who are under the age of 17 are exempt from the
17 criminal history records check requirements set forth in this
18 subsection (b).

19 (c) Any person, firm, corporation, or other entity that
20 owns or operates a carnival, amusement enterprise, or fair must
21 have a substance abuse policy in place for its workers, which
22 shall include random drug testing of carnival or amusement
23 enterprise workers.

24 (d) Any person, firm, corporation, or other entity that
25 owns or operates a carnival, amusement enterprise, or fair that
26 violates the provisions of subsection (a) of this Section or

1 fails to conduct a criminal history records check or a sex
2 offender registry check for carnival or amusement enterprise
3 workers in its employ, as required by subsection (b) of this
4 Section, shall be assessed a civil penalty in an amount not to
5 exceed \$5,000 ~~\$1,000~~ for a first offense, shall be assessed a
6 civil penalty in an amount not to exceed \$10,000 ~~\$5,000~~ for a
7 second offense, and a subsequent offense shall result in the
8 revocation of a permit to operate in accordance with Section
9 2-8.1 ~~not to exceed \$15,000 for a third or subsequent offense.~~

10 The collection of these penalties shall be enforced in a civil
11 action brought by the Attorney General on behalf of the
12 Department.

13 (e) A carnival, amusement enterprise, or fair owner is not
14 responsible for:

15 (1) any personal information submitted by a carnival or
16 amusement enterprise worker for criminal history records
17 check purposes; or

18 (2) any information provided by a third party for a
19 criminal history records check or a sex offender registry
20 check.

21 (f) Recordkeeping requirements. Any person, firm,
22 corporation, or other entity that owns or operates a carnival,
23 amusement enterprise, or fair subject to the provisions of this
24 Act shall make, preserve, and make available to the Department,
25 upon its request, all records that are required by this Act,
26 including but not limited to a written substance abuse policy,

1 evidence of the required criminal history records check and sex
2 offender registry check, and any other information the Director
3 may deem necessary and appropriate for enforcement of this Act.

4 (g) A carnival, amusement enterprise, or fair owner shall
5 not be liable to any employee in carrying out the requirements
6 of this Section.

7 (Source: P.A. 97-1150, eff. 1-25-13; 98-769, eff. 1-1-15.)".