



Rep. Dave Vella

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10300HB4412ham002

LRB103 36073 RTM 72056 a

1 AMENDMENT TO HOUSE BILL 4412

2 AMENDMENT NO. _____. Amend House Bill 4412, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Child Care Act of 1969 is amended by
6 changing Section 4.1 as follows:

7 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

8 Sec. 4.1. Criminal background investigations.

9 (a) In this Section, "third-party vendor" means a
10 third-party fingerprinting vendor who is licensed by the
11 Department of Financial and Professional Regulation and
12 regulated by 68 Ill. Adm. Code 1240.600.

13 (b) The Department shall require that each child care
14 facility license applicant as part of the application process,
15 and each employee and volunteer of a child care facility or
16 non-licensed service provider, as a condition of employment,

1 authorize an investigation to determine if such applicant,
2 employee, or volunteer has ever been charged with a crime and
3 if so, the disposition of those charges; this authorization
4 shall indicate the scope of the inquiry and the agencies which
5 may be contacted. A child care facility, non-licensed service
6 provider, day care center, group day care home, or day care
7 home may authorize the Department or a third-party vendor to
8 collect fingerprints for the investigation. If the Department
9 collects fingerprints for the investigation, then upon ~~Upon~~
10 this authorization, the Director shall request and receive
11 information and assistance from any federal, State, or local
12 governmental agency as part of the authorized investigation.
13 Each applicant, employee, or volunteer of a child care
14 facility or non-licensed service provider shall submit the
15 applicant's, employee's, or volunteer's fingerprints to the
16 Illinois State Police in the form and manner prescribed by the
17 Illinois State Police. These fingerprints shall be checked
18 against the fingerprint records now and hereafter filed in the
19 Illinois State Police and Federal Bureau of Investigation
20 criminal history records databases. The Illinois State Police
21 shall charge a fee for conducting the criminal history records
22 check, which shall be deposited in the State Police Services
23 Fund and shall not exceed the actual cost of the records check.
24 The Illinois State Police shall provide information concerning
25 any criminal charges, and their disposition, now or hereafter
26 filed, against an applicant, employee, or volunteer of a child

1 care facility or non-licensed service provider upon request of
2 the Department of Children and Family Services when the
3 request is made in the form and manner required by the Illinois
4 State Police.

5 Information concerning convictions of a license applicant,
6 employee, or volunteer of a child care facility or
7 non-licensed service provider investigated under this Section,
8 including the source of the information and any conclusions or
9 recommendations derived from the information, shall be
10 provided, upon request, to such applicant, employee, or
11 volunteer of a child care facility or non-licensed service
12 provider prior to final action by the Department on the
13 application. State conviction information provided by the
14 Illinois State Police regarding employees, prospective
15 employees, or volunteers of non-licensed service providers and
16 child care facilities licensed under this Act shall be
17 provided to the operator of such facility, and, upon request,
18 to the employee, prospective employee, or volunteer of a child
19 care facility or non-licensed service provider. Any
20 information concerning criminal charges and the disposition of
21 such charges obtained by the Department shall be confidential
22 and may not be transmitted outside the Department, except as
23 required herein, and may not be transmitted to anyone within
24 the Department except as needed for the purpose of evaluating
25 an application or an employee or volunteer of a child care
26 facility or non-licensed service provider. Only information

1 and standards which bear a reasonable and rational relation to
2 the performance of a child care facility shall be used by the
3 Department or any licensee. Any employee of the Department of
4 Children and Family Services, Illinois State Police, or a
5 child care facility receiving confidential information under
6 this Section who gives or causes to be given any confidential
7 information concerning any criminal convictions of an
8 applicant, employee, or volunteer of a child care facility or
9 non-licensed service provider, shall be guilty of a Class A
10 misdemeanor unless release of such information is authorized
11 by this Section.

12 A child care facility may hire, on a probationary basis,
13 any employee or volunteer of a child care facility or
14 non-licensed service provider authorizing a criminal
15 background investigation under this Section, pending the
16 result of such investigation. Employees and volunteers of a
17 child care facility or non-licensed service provider shall be
18 notified prior to hiring that such employment may be
19 terminated on the basis of criminal background information
20 obtained by the facility.

21 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)".