

1 AN ACT concerning day care homes.

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

4 Section 5. The Child Care Act of 1969 is amended by
5 changing Section 4.2 as follows:

6 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

7 Sec. 4.2. (a) No applicant may receive a license from
8 the Department and no person may be employed by a licensed
9 child care facility who refuses to authorize an investigation
10 as required by Section 4.1.

11 (b) No applicant may receive a license from the
12 Department and no person may be employed by a child care
13 facility licensed by the Department who has been declared a
14 sexually dangerous person under "An Act in relation to
15 sexually dangerous persons, and providing for their
16 commitment, detention and supervision", approved July 6,
17 1938, as amended, or convicted of committing or attempting to
18 commit any of the following offenses stipulated under the
19 Criminal Code of 1961:

- 20 (1) murder;
- 21 (1.1) solicitation of murder;
- 22 (1.2) solicitation of murder for hire;
- 23 (1.3) intentional homicide of an unborn child;
- 24 (1.4) voluntary manslaughter of an unborn child;
- 25 (1.5) involuntary manslaughter;
- 26 (1.6) reckless homicide;
- 27 (1.7) concealment of a homicidal death;
- 28 (1.8) involuntary manslaughter of an unborn child;
- 29 (1.9) reckless homicide of an unborn child;
- 30 (1.10) drug-induced homicide;
- 31 (2) a sex offense under Article 11, except offenses

- 1 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 2 (3) kidnapping;
- 3 (3.1) aggravated unlawful restraint;
- 4 (3.2) forcible detention;
- 5 (3.3) harboring a runaway;
- 6 (3.4) aiding and abetting child abduction;
- 7 (4) aggravated kidnapping;
- 8 (5) child abduction;
- 9 (6) aggravated battery of a child;
- 10 (7) criminal sexual assault;
- 11 (8) aggravated criminal sexual assault;
- 12 (8.1) predatory criminal sexual assault of a child;
- 13 (9) criminal sexual abuse;
- 14 (10) aggravated sexual abuse;
- 15 (11) heinous battery;
- 16 (12) aggravated battery with a firearm;
- 17 (13) tampering with food, drugs, or cosmetics;
- 18 (14) drug induced infliction of great bodily harm;
- 19 (15) hate crime;
- 20 (16) stalking;
- 21 (17) aggravated stalking;
- 22 (18) threatening public officials;
- 23 (19) home invasion;
- 24 (20) vehicular invasion;
- 25 (21) criminal transmission of HIV;
- 26 (22) criminal abuse or neglect of an elderly or
27 disabled person;
- 28 (23) child abandonment;
- 29 (24) endangering the life or health of a child;
- 30 (25) ritual mutilation;
- 31 (26) ritualized abuse of a child;
- 32 (27) an offense in any other state the elements of
33 which are similar and bear a substantial relationship to
34 any of the foregoing offenses.

1 (c) In addition to the provisions set forth in
2 subsection (b), no applicant may receive a license from the
3 Department to operate a child care facility foster-family
4 home, and no adult person may reside in a child care facility
5 foster-family-home licensed by the Department, who has been
6 convicted of committing or attempting to commit any of the
7 following offenses stipulated under the Criminal Code of
8 1961, the Cannabis Control Act, and the Illinois Controlled
9 Substances Act:

10 (I) OFFENSES DIRECTED AGAINST THE PERSON

11 (A) KIDNAPPING AND RELATED OFFENSES

12 (1) Unlawful restraint.

13 (B) BODILY HARM

14 (2) Felony aggravated assault.

15 (3) Vehicular endangerment.

16 (4) Felony domestic battery.

17 (5) Aggravated battery.

18 (6) Heinous battery.

19 (7) Aggravated battery with a firearm.

20 (8) Aggravated battery of an unborn child.

21 (9) Aggravated battery of a senior citizen.

22 (10) Intimidation.

23 (11) Compelling organization membership of persons.

24 (12) Abuse and gross neglect of a long term care
25 facility resident.

26 (13) Felony violation of an order of protection.

27 (II) OFFENSES DIRECTED AGAINST PROPERTY

28 (14) Felony theft.

29 (15) Robbery.

30 (16) Armed robbery.

31 (17) Aggravated robbery.

32 (18) Vehicular hijacking.

- 1 (19) Aggravated vehicular hijacking.
- 2 (20) Burglary.
- 3 (21) Possession of burglary tools.
- 4 (22) Residential burglary.
- 5 (23) Criminal fortification of a residence or
- 6 building.
- 7 (24) Arson.
- 8 (25) Aggravated arson.
- 9 (26) Possession of explosive or explosive
- 10 incendiary devices.

11 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 12 (27) Felony unlawful use of weapons.
- 13 (28) Aggravated discharge of a firearm.
- 14 (29) Reckless discharge of a firearm.
- 15 (30) Unlawful use of metal piercing bullets.
- 16 (31) Unlawful sale or delivery of firearms on the
- 17 premises of any school.
- 18 (32) Disarming a police officer.
- 19 (33) Obstructing justice.
- 20 (34) Concealing or aiding a fugitive.
- 21 (35) Armed violence.
- 22 (36) Felony contributing to the criminal
- 23 delinquency of a juvenile.

24 (IV) DRUG OFFENSES

- 25 (37) Possession of more than 30 grams of cannabis.
- 26 (38) Manufacture of more than 10 grams of cannabis.
- 27 (39) Cannabis trafficking.
- 28 (40) Delivery of cannabis on school grounds.
- 29 (41) Unauthorized production of more than 5
- 30 cannabis sativa plants.
- 31 (42) Calculated criminal cannabis conspiracy.
- 32 (43) Unauthorized manufacture or delivery of

1 controlled substances.

2 (44) Controlled substance trafficking.

3 (45) Manufacture, distribution, or advertisement of
4 look-alike substances.

5 (46) Calculated criminal drug conspiracy.

6 (46.5) Streetgang criminal drug conspiracy.

7 (47) Permitting unlawful use of a building.

8 (48) Delivery of controlled, counterfeit, or
9 look-alike substances to persons under age 18, or at
10 truck stops, rest stops, or safety rest areas, or on
11 school property.

12 (49) Using, engaging, or employing persons under 18
13 to deliver controlled, counterfeit, or look-alike
14 substances.

15 (50) Delivery of controlled substances.

16 (51) Sale or delivery of drug paraphernalia.

17 (52) Felony possession, sale, or exchange of
18 instruments adapted for use of a controlled substance or
19 cannabis by subcutaneous injection.

20 (d) Notwithstanding subsection (c), the Department may
21 issue a new child care facility foster-family-home license to
22 or may renew the an existing child care facility foster
23 family--home license of an applicant who was convicted of an
24 offense described in subsection (c), provided all of the
25 following requirements are met:

26 (1) The relevant criminal offense or offenses
27 occurred more than 10 years prior to the date of
28 application or renewal.

29 (2) The applicant had previously disclosed the
30 conviction or convictions to the Department for purposes
31 of a background check.

32 (3) After the disclosure, the Department either
33 placed a child in the child care facility home or the
34 child care facility foster--family--home license was

1 issued.

2 (4) During the background check, the Department had
3 assessed and waived the conviction in compliance with the
4 existing statutes and rules in effect at the time of the
5 waiver.

6 (5) The applicant meets all other requirements and
7 qualifications to be licensed as the pertinent type of
8 child care facility a-foster-family-home under this Act
9 and the Department's administrative rules.

10 (6) The applicant has a history of providing a
11 safe, stable home environment and appears able to
12 continue to provide a safe, stable home environment.

13 (Source: P.A. 91-357, eff. 7-29-99; 92-328, eff. 1-1-02.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.