

1                                    AMENDMENT TO HOUSE BILL 564

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 564 by replacing  
3 the title with the following:

4            "AN ACT in relation to criminal history records."; and  
5 by replacing everything after the enacting clause with the  
6 following:

7            "Section 5. The Secretary of State Merit Employment  
8 Code is amended by changing Section 10b.1 as follows:

9            (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

10           Sec. 10b.1. (a) Competitive examinations. For open  
11 competitive examinations to test the relative fitness of  
12 applicants for the respective positions. Tests shall be  
13 designed to eliminate those who are not qualified for  
14 entrance into the Office of the Secretary of State and to  
15 discover the relative fitness of those who are qualified.  
16 The Director may use any one of or any combination of the  
17 following examination methods which in his judgment best  
18 serves this end: investigation of education and experience;  
19 test of cultural knowledge; test of capacity; test of  
20 knowledge; test of manual skill; test of linguistic ability;  
21 test of character; test of physical skill; test of

1 psychological fitness. No person with a record of  
2 misdemeanor convictions except those under Sections 11-6,  
3 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,  
4 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1,  
5 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and  
6 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code  
7 of 1961, or arrested for any cause but not convicted thereon  
8 shall be disqualified from taking such examinations or  
9 subsequent appointment unless the person is attempting to  
10 qualify for a position which would give him the powers of a  
11 peace officer, in which case the person's conviction or  
12 arrest record may be considered as a factor in determining  
13 the person's fitness for the position. All examinations  
14 shall be announced publicly at least 2 weeks in advance of  
15 the date of examinations and may be advertised through the  
16 press, radio or other media.

17 The Director may, at his discretion, accept the results  
18 of competitive examinations conducted by any merit system  
19 established by Federal law or by the law of any State, and  
20 may compile eligible lists therefrom or may add the names of  
21 successful candidates in examinations conducted by those  
22 merit systems to existing eligible lists in accordance with  
23 their respective ratings. No person who is a non-resident of  
24 the State of Illinois may be appointed from those eligible  
25 lists, however, unless the requirement that applicants be  
26 residents of the State of Illinois is waived by the Director  
27 of Personnel and unless there are less than 3 Illinois  
28 residents available for appointment from the appropriate  
29 eligible list. The results of the examinations conducted by  
30 other merit systems may not be used unless they are  
31 comparable in difficulty and comprehensiveness to  
32 examinations conducted by the Department of Personnel for  
33 similar positions. Special linguistic options may also be  
34 established where deemed appropriate.

1           (b) The Director of Personnel may require that each  
2 person seeking employment with the Secretary of State, as  
3 part of the application process, authorize an investigation  
4 to determine if the applicant has ever been convicted of a  
5 crime and if so, the disposition of those convictions; this  
6 authorization shall indicate the scope of the inquiry and the  
7 agencies which may be contacted. Upon this authorization,  
8 the Director of Personnel may request and receive information  
9 and assistance from any federal, state or local governmental  
10 agency as part of the authorized investigation. The  
11 investigation shall be undertaken after the fingerprinting of  
12 an applicant in the form and manner prescribed by the  
13 Department of State Police. The investigation shall consist  
14 of a criminal history records check performed by the  
15 Department of State Police and the Federal Bureau of  
16 Investigation, or some other entity that has the ability to  
17 check the applicant's fingerprints against the fingerprint  
18 records now and hereafter filed in the Department of State  
19 Police and Federal Bureau of Investigation criminal history  
20 records databases. If the Department of State Police and the  
21 Federal Bureau of Investigation conduct an investigation  
22 directly for the Secretary of State's Office, then the  
23 Department of State Police shall charge a fee for conducting  
24 the criminal history records check, which shall be deposited  
25 in the State Police Services Fund and shall not exceed the  
26 actual cost of the records check. The Department of State  
27 Police shall provide information concerning any criminal  
28 convictions, and their disposition, brought against the  
29 applicant or prospective employee of the Secretary of State  
30 upon request of the Department of Personnel when the request  
31 is made in the form and manner required by the Department of  
32 State Police. The information derived from this  
33 investigation, including the source of this information, and  
34 any conclusions or recommendations derived from this

1 information by the Director of Personnel shall be provided to  
2 the applicant or prospective employee, or his designee, upon  
3 request to the Director of Personnel prior to any final  
4 action by the Director of Personnel on the application. No  
5 information obtained from such investigation may be placed in  
6 any automated information system. Any criminal convictions  
7 and their disposition information obtained by the Director of  
8 Personnel shall be confidential and may not be transmitted  
9 outside the Office of the Secretary of State, except as  
10 required herein, and may not be transmitted to anyone within  
11 the Office of the Secretary of State except as needed for the  
12 purpose of evaluating the application. The only physical  
13 identity materials which the applicant or prospective  
14 employee can be required to provide the Director of Personnel  
15 are photographs or fingerprints; these shall be returned to  
16 the applicant or prospective employee upon request to the  
17 Director of Personnel, after the investigation has been  
18 completed and no copy of these materials may be kept by the  
19 Director of Personnel or any agency to which such identity  
20 materials were transmitted. Only information and standards  
21 which bear a reasonable and rational relation to the  
22 performance of an employee shall be used by the Director of  
23 Personnel. The Secretary of State shall adopt rules and  
24 regulations for the administration of this Section. Any  
25 employee of the Secretary of State who gives or causes to be  
26 given away any confidential information concerning any  
27 criminal convictions and their disposition of an applicant or  
28 prospective employee shall be guilty of a Class A misdemeanor  
29 unless release of such information is authorized by this  
30 Section.

31 (Source: P.A. 84-25.)

32 Section 6. The Park District Code is amended by changing  
33 Section 8-23 as follows:

1 (70 ILCS 1205/8-23)

2 Sec. 8-23. Criminal background investigations.

3 (a) An applicant for employment with a park district is  
4 required as a condition of employment to authorize an  
5 investigation to determine if the applicant has been  
6 convicted of any of the enumerated criminal or drug offenses  
7 in subsection (c) of this Section or has been convicted,  
8 within 7 years of the application for employment with the  
9 park district, of any other felony under the laws of this  
10 State or of any offense committed or attempted in any other  
11 state or against the laws of the United States that, if  
12 committed or attempted in this State, would have been  
13 punishable as a felony under the laws of this State.  
14 Authorization for the investigation shall be furnished by the  
15 applicant to the park district. Upon receipt of this  
16 authorization, the park district shall submit the applicant's  
17 name, sex, race, date of birth, and social security number to  
18 the Department of State Police on forms prescribed by the  
19 Department of State Police. The Department of State Police  
20 shall conduct a search of the Illinois criminal history  
21 records database an--investigation to ascertain if the  
22 applicant being considered for employment has been convicted  
23 of committing or attempting to commit any of the enumerated  
24 criminal or drug offenses in subsection (c) of this Section  
25 or has been convicted of committing or attempting to commit,  
26 within 7 years of the application for employment with the  
27 park district, of any other felony under the laws of this  
28 State or--of-any-offense-committed-or-attempted-in-any-other  
29 state-or-against-the-laws--of--the--United--States--that,--if  
30 committed--or--attempted--in--this--State,--would--have--been  
31 punishable--as--a--felony--under-the-laws-of-this-State. The  
32 Department of State Police shall charge the park district a  
33 fee for conducting the investigation, which fee shall be  
34 deposited in the State Police Services Fund and shall not

1 exceed the cost of the inquiry. The applicant shall not be  
2 charged a fee by the park district for the investigation.

3 (b) If the search of the Illinois criminal history  
4 record database indicates that the applicant has been  
5 convicted of committing or attempting to commit any of the  
6 enumerated criminal or drug offenses in subsection (c) or has  
7 been convicted of committing or attempting to commit, within  
8 7 years of the application for employment with the park  
9 district, any other felony under the laws of this State, the  
10 Department of State Police and the Federal Bureau of  
11 Investigation shall furnish, pursuant to a fingerprint based  
12 background check ~~positive---~~identificatien, records of  
13 convictions, until expunged, to the president of the park  
14 district. Any information concerning the record of  
15 convictions obtained by the president shall be confidential  
16 and may only be transmitted to those persons who are  
17 necessary to the decision on whether to hire the applicant  
18 for employment. A copy of the record of convictions obtained  
19 from the Department of State Police shall be provided to the  
20 applicant for employment. Any person who releases any  
21 confidential information concerning any criminal convictions  
22 of an applicant for employment shall be guilty of a Class A  
23 misdemeanor, unless the release of such information is  
24 authorized by this Section.

25 (c) No park district shall knowingly employ a person who  
26 has been convicted for committing attempted first degree  
27 murder or for committing or attempting to commit first degree  
28 murder, a Class X felony, or any one or more of the following  
29 offenses: (i) those defined in Sections 11-6, 11-9, 11-14,  
30 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
31 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and  
32 12-16 of the Criminal Code of 1961; (ii) those defined in the  
33 Cannabis Control Act, except those defined in Sections 4(a),  
34 4(b), and 5(a) of that Act; (iii) those defined in the

1 Illinois Controlled Substances Act; and (iv) any offense  
2 committed or attempted in any other state or against the laws  
3 of the United States, which, if committed or attempted in  
4 this State, would have been punishable as one or more of the  
5 foregoing offenses. Further, no park district shall  
6 knowingly employ a person who has been found to be the  
7 perpetrator of sexual or physical abuse of any minor under 18  
8 years of age pursuant to proceedings under Article II of the  
9 Juvenile Court Act of 1987. No park district shall knowingly  
10 employ a person for whom a criminal background investigation  
11 has not been initiated.

12 (Source: P.A. 91-885, eff. 7-6-00.)

13 Section 7. The Chicago Park District Act is amended by  
14 changing Section 16a-5 as follows:

15 (70 ILCS 1505/16a-5)

16 Sec. 16a-5. Criminal background investigations.

17 (a) An applicant for employment with the Chicago Park  
18 District is required as a condition of employment to  
19 authorize an investigation to determine if the applicant has  
20 been convicted of any of the enumerated criminal or drug  
21 offenses in subsection (c) of this Section or has been  
22 convicted, within 7 years of the application for employment  
23 with the Chicago Park District, of any other felony under the  
24 laws of this State or of any offense committed or attempted  
25 in any other state or against the laws of the United States  
26 that, if committed or attempted in this State, would have  
27 been punishable as a felony under the laws of this State.  
28 Authorization for the investigation shall be furnished by the  
29 applicant to the Chicago Park District. Upon receipt of this  
30 authorization, the Chicago Park District shall submit the  
31 applicant's name, sex, race, date of birth, and social  
32 security number to the Department of State Police on forms

1 prescribed by the Department of State Police. The Department  
2 of State Police shall conduct a search of the Illinois  
3 criminal history record information database an investigation  
4 to ascertain if the applicant being considered for employment  
5 has been convicted of committing or attempting to commit any  
6 of the enumerated criminal or drug offenses in subsection (c)  
7 of this Section or has been convicted, of committing or  
8 attempting to commit within 7 years of the application for  
9 employment with the Chicago Park District, ~~of any other~~  
10 ~~felony under the laws of this State or--of--any--offense~~  
11 ~~committed-or-attempted-in-any-other-state-or-against-the-laws~~  
12 ~~of--the-United-States-that,-if-committed-or-attempted-in-this~~  
13 ~~State,-would-have-been-punishable-as-a-felony-under-the--laws~~  
14 ~~of--this--State.~~ The Department of State Police shall charge  
15 the Chicago Park District a fee for conducting the  
16 investigation, which fee shall be deposited in the State  
17 Police Services Fund and shall not exceed the cost of the  
18 inquiry. The applicant shall not be charged a fee by the  
19 Chicago Park District for the investigation.

20 (b) If the search of the Illinois criminal history  
21 record database indicates that the applicant has been  
22 convicted of committing or attempting to commit any of the  
23 enumerated criminal or drug offenses in subsection (c) or has  
24 been convicted of committing or attempting to commit, within  
25 7 years of the application for employment with the Chicago  
26 Park District, any other felony under the laws of this State,  
27 the Department of State Police and the Federal Bureau of  
28 Investigation shall furnish, pursuant to a fingerprint based  
29 background check, ~~positive---identification,~~ records of  
30 convictions, until expunged, to the General Superintendent  
31 and Chief Executive Officer of the Chicago Park District.  
32 Any information concerning the record of convictions obtained  
33 by the General Superintendent and Chief Executive Officer  
34 shall be confidential and may only be transmitted to those

1 persons who are necessary to the decision on whether to hire  
2 the applicant for employment. A copy of the record of  
3 convictions obtained from the Department of State Police  
4 shall be provided to the applicant for employment. Any  
5 person who releases any confidential information concerning  
6 any criminal convictions of an applicant for employment shall  
7 be guilty of a Class A misdemeanor, unless the release of  
8 such information is authorized by this Section.

9 (c) The Chicago Park District may not knowingly employ a  
10 person who has been convicted for committing attempted first  
11 degree murder or for committing or attempting to commit first  
12 degree murder, a Class X felony, or any one or more of the  
13 following offenses: (i) those defined in Sections 11-6,  
14 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,  
15 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,  
16 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)  
17 those defined in the Cannabis Control Act, except those  
18 defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii)  
19 those defined in the Illinois Controlled Substances Act; and  
20 (iv) any offense committed or attempted in any other state or  
21 against the laws of the United States, which, if committed or  
22 attempted in this State, would have been punishable as one or  
23 more of the foregoing offenses. Further, the Chicago Park  
24 District may not knowingly employ a person who has been found  
25 to be the perpetrator of sexual or physical abuse of any  
26 minor under 18 years of age pursuant to proceedings under  
27 Article II of the Juvenile Court Act of 1987. The Chicago  
28 Park District may not knowingly employ a person for whom a  
29 criminal background investigation has not been initiated.

30 (Source: P.A. 91-885, eff. 7-6-00.)

31 Section 10. The School Code is amended by changing  
32 Sections 10-21.9 and 34-18.5 as follows:

1 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

2 Sec. 10-21.9. Criminal background investigations.

3 (a) After August 1, 1985, certified and noncertified  
4 applicants for employment with a school district, except  
5 school bus driver applicants, are required as a condition of  
6 employment to authorize an investigation to determine if such  
7 applicants have been convicted of any of the enumerated  
8 criminal or drug offenses in subsection (c) of this Section  
9 or have been convicted, within 7 years of the application for  
10 employment with the school district, of any other felony  
11 under the laws of this State or of any offense committed or  
12 attempted in any other state or against the laws of the  
13 United States that, if committed or attempted in this State,  
14 would have been punishable as a felony under the laws of this  
15 State. Authorization for the investigation shall be furnished  
16 by the applicant to the school district, except that if the  
17 applicant is a substitute teacher seeking employment in more  
18 than one school district, a teacher seeking concurrent  
19 part-time employment positions with more than one school  
20 district (as a reading specialist, special education teacher  
21 or otherwise), or an educational support personnel employee  
22 seeking employment positions with more than one district, any  
23 such district may require the applicant to furnish  
24 authorization for the investigation to the regional  
25 superintendent of the educational service region in which are  
26 located the school districts in which the applicant is  
27 seeking employment as a substitute or concurrent part-time  
28 teacher or concurrent educational support personnel employee.  
29 Upon receipt of this authorization, the school district or  
30 the appropriate regional superintendent, as the case may be,  
31 shall submit the applicant's name, sex, race, date of birth  
32 and social security number to the Department of State Police  
33 on forms prescribed by the Department. The regional  
34 superintendent submitting the requisite information to the

1 Department of State Police shall promptly notify the school  
2 districts in which the applicant is seeking employment as a  
3 substitute or concurrent part-time teacher or concurrent  
4 educational support personnel employee that the investigation  
5 of the applicant has been requested. The Department of State  
6 Police shall conduct a search of the Illinois criminal  
7 history records database an-investigation to ascertain if the  
8 applicant being considered for employment has been convicted  
9 of committing or attempting to commit any of the enumerated  
10 criminal or drug offenses in subsection (c) or has been  
11 convicted of committing or attempting to commit, within 7  
12 years of the application for employment with the school  
13 district, of any other felony under the laws of this State or  
14 of any offense committed or attempted in any other state or  
15 against the laws of the United States that, if committed or  
16 attempted in this State, would have been punishable as a  
17 felony under the laws of this State. The Department shall  
18 charge the school district or the appropriate regional  
19 superintendent a fee for conducting such investigation, which  
20 fee shall be deposited in the State Police Services Fund and  
21 shall not exceed the cost of the inquiry; and the applicant  
22 shall not be charged a fee for such investigation by the  
23 school district or by the regional superintendent. The  
24 regional superintendent may seek reimbursement from the State  
25 Board of Education or the appropriate school district or  
26 districts for fees paid by the regional superintendent to the  
27 Department for the criminal background investigations  
28 required by this Section.

29 (b) If the search of the Illinois criminal history  
30 records database indicates that the applicant has been  
31 convicted of committing or attempting to commit any of the  
32 enumerated criminal or drug offenses in subsection (c) or has  
33 been convicted of committing or attempting to commit, within  
34 7 years before the application for employment with the school

1 district, any other felony under the laws of this State, the  
2 Department and the Federal Bureau of Investigation shall  
3 furnish, pursuant to a fingerprint based background check  
4 ~~positive---~~identification, records of convictions, until  
5 expunged, to the president of the school board for the school  
6 district which requested the investigation, or to the  
7 regional superintendent who requested the investigation. Any  
8 information concerning the record of convictions obtained by  
9 the president of the school board or the regional  
10 superintendent shall be confidential and may only be  
11 transmitted to the superintendent of the school district or  
12 his designee, the appropriate regional superintendent if the  
13 investigation was requested by the school district, the  
14 presidents of the appropriate school boards if the  
15 investigation was requested from the Department of State  
16 Police by the regional superintendent, the State  
17 Superintendent of Education, the State Teacher Certification  
18 Board or any other person necessary to the decision of hiring  
19 the applicant for employment. A copy of the record of  
20 convictions obtained from the Department of State Police  
21 shall be provided to the applicant for employment. If an  
22 investigation of an applicant for employment as a substitute  
23 or concurrent part-time teacher or concurrent educational  
24 support personnel employee in more than one school district  
25 was requested by the regional superintendent, and the  
26 Department of State Police upon investigation ascertains that  
27 the applicant has not been convicted of any of the enumerated  
28 criminal or drug offenses in subsection (c) or has not been  
29 convicted, within 7 years of the application for employment  
30 with the school district, of any other felony under the laws  
31 of this State or of any offense committed or attempted in any  
32 other state or against the laws of the United States that, if  
33 committed or attempted in this State, would have been  
34 punishable as a felony under the laws of this State and so

1 notifies the regional superintendent, then the regional  
2 superintendent shall issue to the applicant a certificate  
3 evidencing that as of the date specified by the Department of  
4 State Police the applicant has not been convicted of any of  
5 the enumerated criminal or drug offenses in subsection (c) or  
6 has not been convicted, within 7 years of the application for  
7 employment with the school district, of any other felony  
8 under the laws of this State or of any offense committed or  
9 attempted in any other state or against the laws of the  
10 United States that, if committed or attempted in this State,  
11 would have been punishable as a felony under the laws of this  
12 State. The school board of any school district located in  
13 the educational service region served by the regional  
14 superintendent who issues such a certificate to an applicant  
15 for employment as a substitute teacher in more than one such  
16 district may rely on the certificate issued by the regional  
17 superintendent to that applicant, or may initiate its own  
18 investigation of the applicant through the Department of  
19 State Police as provided in subsection (a). Any person who  
20 releases any confidential information concerning any criminal  
21 convictions of an applicant for employment shall be guilty of  
22 a Class A misdemeanor, unless the release of such information  
23 is authorized by this Section.

24 (c) No school board shall knowingly employ a person who  
25 has been convicted for committing attempted first degree  
26 murder or for committing or attempting to commit first degree  
27 murder or a Class X felony or any one or more of the  
28 following offenses: (i) those defined in Sections 11-6, 11-9,  
29 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,  
30 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15  
31 and 12-16 of the "Criminal Code of 1961"; (ii) those defined  
32 in the "Cannabis Control Act" except those defined in  
33 Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined  
34 in the "Illinois Controlled Substances Act"; and (iv) any

1 offense committed or attempted in any other state or against  
2 the laws of the United States, which if committed or  
3 attempted in this State, would have been punishable as one or  
4 more of the foregoing offenses. Further, no school board  
5 shall knowingly employ a person who has been found to be the  
6 perpetrator of sexual or physical abuse of any minor under 18  
7 years of age pursuant to proceedings under Article II of the  
8 Juvenile Court Act of 1987.

9 (d) No school board shall knowingly employ a person for  
10 whom a criminal background investigation has not been  
11 initiated.

12 (e) Upon receipt of the record of a conviction of or a  
13 finding of child abuse by a holder of any certificate issued  
14 pursuant to Article 21 or Section 34-8.1 or 34-83 of the  
15 School Code, the appropriate regional superintendent of  
16 schools or the State Superintendent of Education shall  
17 initiate the certificate suspension and revocation  
18 proceedings authorized by law.

19 (f) After January 1, 1990 the provisions of this Section  
20 shall apply to all employees of persons or firms holding  
21 contracts with any school district including, but not limited  
22 to, food service workers, school bus drivers and other  
23 transportation employees, who have direct, daily contact with  
24 the pupils of any school in such district. For purposes of  
25 criminal background investigations on employees of persons or  
26 firms holding contracts with more than one school district  
27 and assigned to more than one school district, the regional  
28 superintendent of the educational service region in which the  
29 contracting school districts are located may, at the request  
30 of any such school district, be responsible for receiving the  
31 authorization for investigation prepared by each such  
32 employee and submitting the same to the Department of State  
33 Police. Any information concerning the record of conviction  
34 of any such employee obtained by the regional superintendent

1 shall be promptly reported to the president of the  
2 appropriate school board or school boards.

3 (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

4 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

5 Sec. 34-18.5. Criminal background investigations.

6 (a) After August 1, 1985, certified and noncertified  
7 applicants for employment with the school district are  
8 required as a condition of employment to authorize an  
9 investigation to determine if such applicants have been  
10 convicted of any of the enumerated criminal or drug offenses  
11 in subsection (c) of this Section or have been convicted,  
12 within 7 years of the application for employment with the  
13 school district, of any other felony under the laws of this  
14 State or of any offense committed or attempted in any other  
15 state or against the laws of the United States that, if  
16 committed or attempted in this State, would have been  
17 punishable as a felony under the laws of this State.  
18 Authorization for the investigation shall be furnished by the  
19 applicant to the school district, except that if the  
20 applicant is a substitute teacher seeking employment in more  
21 than one school district, or a teacher seeking concurrent  
22 part-time employment positions with more than one school  
23 district (as a reading specialist, special education teacher  
24 or otherwise), or an educational support personnel employee  
25 seeking employment positions with more than one district, any  
26 such district may require the applicant to furnish  
27 authorization for the investigation to the regional  
28 superintendent of the educational service region in which are  
29 located the school districts in which the applicant is  
30 seeking employment as a substitute or concurrent part-time  
31 teacher or concurrent educational support personnel employee.  
32 Upon receipt of this authorization, the school district or  
33 the appropriate regional superintendent, as the case may be,

1 shall submit the applicant's name, sex, race, date of birth  
2 and social security number to the Department of State Police  
3 on forms prescribed by the Department. The regional  
4 superintendent submitting the requisite information to the  
5 Department of State Police shall promptly notify the school  
6 districts in which the applicant is seeking employment as a  
7 substitute or concurrent part-time teacher or concurrent  
8 educational support personnel employee that the investigation  
9 of the applicant has been requested. The Department of State  
10 Police shall conduct a search of the Illinois Criminal  
11 history record information database an--investigation to  
12 ascertain if the applicant being considered for employment  
13 has been convicted of committing or attempting to commit any  
14 of the enumerated criminal or drug offenses in subsection (c)  
15 or has been convicted of committing or attempting to commit,  
16 within 7 years of the application for employment with the  
17 school district, ~~of any other felony under the laws of this~~  
18 ~~State or of any offense committed or attempted in any other~~  
19 ~~state or against the laws of the United States that, if~~  
20 ~~committed or attempted in this State, would have been~~  
21 ~~punishable as a felony under the laws of this State.~~ The  
22 Department shall charge the school district or the  
23 appropriate regional superintendent a fee for conducting such  
24 investigation, which fee shall be deposited in the State  
25 Police Services Fund and shall not exceed the cost of the  
26 inquiry; and the applicant shall not be charged a fee for  
27 such investigation by the school district or by the regional  
28 superintendent. The regional superintendent may seek  
29 reimbursement from the State Board of Education or the  
30 appropriate school district or districts for fees paid by the  
31 regional superintendent to the Department for the criminal  
32 background investigations required by this Section.

33 (b) If the search of the Illinois criminal history  
34 records database indicates that the applicant has been

1 convicted of committing or attempting to commit any of the  
2 enumerated criminal or drug offenses in subsection (c) or has  
3 been convicted of committing or attempting to commit, within  
4 7 years of the application for employment with the school  
5 district, any other felony under the laws of this State, the  
6 Department and the Federal Bureau of Investigation shall  
7 furnish, pursuant to a fingerprint based background check  
8 ~~positive--identification~~, records of convictions, until  
9 expunged, to the president of the board of education for the  
10 school district which requested the investigation, or to the  
11 regional superintendent who requested the investigation. Any  
12 information concerning the record of convictions obtained by  
13 the president of the board of education or the regional  
14 superintendent shall be confidential and may only be  
15 transmitted to the general superintendent of the school  
16 district or his designee, the appropriate regional  
17 superintendent if the investigation was requested by the  
18 board of education for the school district, the presidents of  
19 the appropriate board of education or school boards if the  
20 investigation was requested from the Department of State  
21 Police by the regional superintendent, the State  
22 Superintendent of Education, the State Teacher Certification  
23 Board or any other person necessary to the decision of hiring  
24 the applicant for employment. A copy of the record of  
25 convictions obtained from the Department of State Police  
26 shall be provided to the applicant for employment. If an  
27 investigation of an applicant for employment as a substitute  
28 or concurrent part-time teacher or concurrent educational  
29 support personnel employee in more than one school district  
30 was requested by the regional superintendent, and the  
31 Department of State Police upon investigation ascertains that  
32 the applicant has not been convicted of any of the enumerated  
33 criminal or drug offenses in subsection (c) or has not been  
34 convicted, within 7 years of the application for employment

1 with the school district, of any other felony under the laws  
2 of this State or of any offense committed or attempted in any  
3 other state or against the laws of the United States that, if  
4 committed or attempted in this State, would have been  
5 punishable as a felony under the laws of this State and so  
6 notifies the regional superintendent, then the regional  
7 superintendent shall issue to the applicant a certificate  
8 evidencing that as of the date specified by the Department of  
9 State Police the applicant has not been convicted of any of  
10 the enumerated criminal or drug offenses in subsection (c) or  
11 has not been convicted, within 7 years of the application for  
12 employment with the school district, of any other felony  
13 under the laws of this State or of any offense committed or  
14 attempted in any other state or against the laws of the  
15 United States that, if committed or attempted in this State,  
16 would have been punishable as a felony under the laws of this  
17 State. The school board of any school district located in  
18 the educational service region served by the regional  
19 superintendent who issues such a certificate to an applicant  
20 for employment as a substitute or concurrent part-time  
21 teacher or concurrent educational support personnel employee  
22 in more than one such district may rely on the certificate  
23 issued by the regional superintendent to that applicant, or  
24 may initiate its own investigation of the applicant through  
25 the Department of State Police as provided in subsection (a).  
26 Any person who releases any confidential information  
27 concerning any criminal convictions of an applicant for  
28 employment shall be guilty of a Class A misdemeanor, unless  
29 the release of such information is authorized by this  
30 Section.

31 (c) The board of education shall not knowingly employ a  
32 person who has been convicted for committing attempted first  
33 degree murder or for committing or attempting to commit first  
34 degree murder or a Class X felony or any one or more of the

1 following offenses: (i) those defined in Sections 11-6,  
2 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,  
3 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14,  
4 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii)  
5 those defined in the Cannabis Control Act, except those  
6 defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii)  
7 those defined in the Illinois Controlled Substances Act; and  
8 (iv) any offense committed or attempted in any other state or  
9 against the laws of the United States, which if committed or  
10 attempted in this State, would have been punishable as one or  
11 more of the foregoing offenses. Further, the board of  
12 education shall not knowingly employ a person who has been  
13 found to be the perpetrator of sexual or physical abuse of  
14 any minor under 18 years of age pursuant to proceedings under  
15 Article II of the Juvenile Court Act of 1987.

16 (d) The board of education shall not knowingly employ a  
17 person for whom a criminal background investigation has not  
18 been initiated.

19 (e) Upon receipt of the record of a conviction of or a  
20 finding of child abuse by a holder of any certificate issued  
21 pursuant to Article 21 or Section 34-8.1 or 34-83 of the  
22 School Code, the board of education or the State  
23 Superintendent of Education shall initiate the certificate  
24 suspension and revocation proceedings authorized by law.

25 (f) After March 19, 1990, the provisions of this Section  
26 shall apply to all employees of persons or firms holding  
27 contracts with any school district including, but not limited  
28 to, food service workers, school bus drivers and other  
29 transportation employees, who have direct, daily contact with  
30 the pupils of any school in such district. For purposes of  
31 criminal background investigations on employees of persons or  
32 firms holding contracts with more than one school district  
33 and assigned to more than one school district, the regional  
34 superintendent of the educational service region in which the

1 contracting school districts are located may, at the request  
2 of any such school district, be responsible for receiving the  
3 authorization for investigation prepared by each such  
4 employee and submitting the same to the Department of State  
5 Police. Any information concerning the record of conviction  
6 of any such employee obtained by the regional superintendent  
7 shall be promptly reported to the president of the  
8 appropriate school board or school boards.

9 (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

10 Section 15. The Child Care Act of 1969 is amended by  
11 changing Section 4.1 as follows:

12 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

13 Sec. 4.1. Criminal Background Investigations. The  
14 Department shall require that each child care facility  
15 license applicant as part of the application process, and  
16 each employee of a child care facility as a condition of  
17 employment, authorize an investigation to determine if such  
18 applicant or employee has ever been charged with a crime and  
19 if so, the disposition of those charges; this authorization  
20 shall indicate the scope of the inquiry and the agencies  
21 which may be contacted. Upon this authorization, the Director  
22 shall request and receive information and assistance from any  
23 federal, State or local governmental agency as part of the  
24 authorized investigation. Each applicant shall submit his or  
25 her fingerprints to the Department of State Police in the  
26 form and manner prescribed by the Department of State Police.  
27 These fingerprints shall be checked against the fingerprint  
28 records now and hereafter filed in the Department of State  
29 Police and Federal Bureau of Investigation criminal history  
30 records databases. The Department of State Police shall  
31 charge a fee for conducting the criminal history records  
32 check, which shall be deposited in the State Police Services

1 Fund and shall not exceed the actual cost of the records  
2 check. The Department of State Police shall provide  
3 information concerning any criminal charges, and their  
4 disposition, now or hereafter filed, against an applicant or  
5 child care facility employee upon request of the Department  
6 of Children and Family Services when the request is made in  
7 the form and manner required by the Department of State  
8 Police.

9 Information concerning convictions of a license applicant  
10 investigated under this Section, including the source of the  
11 information and any conclusions or recommendations derived  
12 from the information, shall be provided, upon request, to  
13 such applicant prior to final action by the Department on the  
14 application. State conviction information provided by the  
15 Department of State Police regarding ~~Sueh-information-on~~  
16 ~~convictions-of~~ employees or prospective employees of child  
17 care facilities licensed under this Act shall be provided to  
18 the operator of such facility, and, upon request, to the  
19 employee or prospective employee. Any information concerning  
20 criminal charges and the disposition of such charges obtained  
21 by the Department shall be confidential and may not be  
22 transmitted outside the Department, except as required  
23 herein, and may not be transmitted to anyone within the  
24 Department except as needed for the purpose of evaluating an  
25 application or a child care facility employee. Only  
26 information and standards which bear a reasonable and  
27 rational relation to the performance of a child care facility  
28 shall be used by the Department or any licensee. Any employee  
29 of the Department of Children and Family Services, Department  
30 of State Police, or a child care facility receiving  
31 confidential information under this Section who gives or  
32 causes to be given any confidential information concerning  
33 any criminal convictions of a child care facility applicant,  
34 or child care facility employee, shall be guilty of a Class A

1 misdemeanor unless release of such information is authorized  
2 by this Section.

3 A child care facility may hire, on a probationary basis,  
4 any employee authorizing a criminal background investigation  
5 under this Section, pending the result of such investigation.  
6 Employees shall be notified prior to hiring that such  
7 employment may be terminated on the basis of criminal  
8 background information obtained by the facility.

9 (Source: P.A. 84-158.)

10 Section 20. The Nursing and Advanced Practice Nursing  
11 Act is amended by changing Section 5-23 as follows:

12 (225 ILCS 65/5-23)

13 (Section scheduled to be repealed on January 1, 2008)

14 Sec. 5-23. Criminal background check. After the  
15 effective date of this amendatory Act of the 91st General  
16 Assembly, the Department shall require an applicant for  
17 initial licensure under this Act to submit to a criminal  
18 background check by the Illinois State Police and the Federal  
19 Bureau of Investigation as part of the qualification for  
20 licensure. If an applicant's criminal background check  
21 indicates criminal conviction, the applicant must further  
22 submit to a fingerprint-based criminal background check. The  
23 applicant's name, sex, race, date of birth, and social  
24 security number shall be forwarded to the Illinois State  
25 Police to be searched against the Illinois criminal history  
26 records database in the form and manner prescribed by the  
27 Illinois State Police. The Illinois State Police shall  
28 charge a fee for conducting the search, which shall be  
29 deposited in the State Police Services Fund and shall not  
30 exceed the cost of the inquiry. If a search of the Illinois  
31 criminal history records database indicates that the  
32 applicant has a conviction record, a fingerprint based

1 criminal history records check shall be required. Each  
 2 applicant requiring a fingerprint based search shall submit  
 3 his or her fingerprints to the Illinois State Police in the  
 4 form and manner prescribed by the Illinois State Police.  
 5 These fingerprints shall be checked against the fingerprint  
 6 records now and hereafter filed in the Illinois State Police  
 7 and Federal Bureau of Investigation criminal history records  
 8 databases. The Illinois State Police shall charge a fee for  
 9 conducting the criminal history records check, which shall be  
 10 deposited in the State Police Services Fund and shall not  
 11 exceed the actual cost of the records check. The Illinois  
 12 State Police shall furnish, pursuant to positive  
 13 identification, records of Illinois convictions to the  
 14 Department. The Department shall adopt rules to implement  
 15 this Section.

16 (Source: P.A. 91-369, eff. 1-1-00; 92-744, eff. 7-25-02.)

17 Section 25. The Illinois Horse Racing Act of 1975 is  
 18 amended by changing Section 15 as follows:

19 (230 ILCS 5/15) (from Ch. 8, par. 37-15)

20 Sec. 15. (a) The Board shall, in its discretion, issue  
 21 occupation licenses to horse owners, trainers, harness  
 22 drivers, jockeys, agents, apprentices, grooms, stable  
 23 foremen, exercise persons, veterinarians, valets,  
 24 blacksmiths, concessionaires and others designated by the  
 25 Board whose work, in whole or in part, is conducted upon  
 26 facilities within the State. Such occupation licenses will  
 27 be obtained prior to the persons engaging in their vocation  
 28 upon such facilities. The Board shall not license pari-mutuel  
 29 clerks, parking attendants, security guards and employees of  
 30 concessionaires. No occupation license shall be required of  
 31 any person who works at facilities within this State as a  
 32 pari-mutuel clerk, parking attendant, security guard or as an

1 employee of a concessionaire. Concessionaires of the Illinois  
2 State Fair and DuQuoin State Fair and employees of the  
3 Illinois Department of Agriculture shall not be required to  
4 obtain an occupation license by the Board.

5 (b) Each application for an occupation license shall be  
6 on forms prescribed by the Board. Such license, when issued,  
7 shall be for the period ending December 31 of each year,  
8 except that the Board in its discretion may grant 3-year  
9 licenses. The application shall be accompanied by a fee of  
10 not more than \$25 per year or, in the case of 3-year  
11 occupation license applications, a fee of not more than \$60.  
12 Each applicant shall set forth in the application his full  
13 name and address, and if he had been issued prior occupation  
14 licenses or has been licensed in any other state under any  
15 other name, such name, his age, whether or not a permit or  
16 license issued to him in any other state has been suspended  
17 or revoked and if so whether such suspension or revocation is  
18 in effect at the time of the application, and such other  
19 information as the Board may require. Fees for registration  
20 of stable names shall not exceed \$50.00.

21 (c) The Board may in its discretion refuse an occupation  
22 license to any person:

- 23 (1) who has been convicted of a crime;
- 24 (2) who is unqualified to perform the duties  
25 required of such applicant;
- 26 (3) who fails to disclose or states falsely any  
27 information called for in the application;
- 28 (4) who has been found guilty of a violation of  
29 this Act or of the rules and regulations of the Board; or
- 30 (5) whose license or permit has been suspended,  
31 revoked or denied for just cause in any other state.

32 (d) The Board may suspend or revoke any occupation  
33 license:

- 34 (1) for violation of any of the provisions of this

1 Act; or

2 (2) for violation of any of the rules or  
3 regulations of the Board; or

4 (3) for any cause which, if known to the Board,  
5 would have justified the Board in refusing to issue such  
6 occupation license; or

7 (4) for any other just cause.

8 (e) Each applicant shall submit his or her fingerprints  
9 to the Department of State Police in the form and manner  
10 prescribed by the Department of State Police. These  
11 fingerprints shall be checked against the fingerprint records  
12 now and hereafter filed in the Department of State Police and  
13 Federal Bureau of Investigation criminal history records  
14 databases. The Department of State Police shall charge a fee  
15 for conducting the criminal history records check, which  
16 shall be deposited in the State Police Services Fund and  
17 shall not exceed the actual cost of the records check. The  
18 Department of State Police shall furnish, pursuant to  
19 positive identification, records of conviction to the Board.

20 Each applicant for licensure shall submit with his occupation  
21 license application, on forms provided by the Board, 2 sets  
22 of his fingerprints. All such applicants shall appear in  
23 person at the location designated by the Board for the  
24 purpose of submitting such sets of fingerprints; however,  
25 with the prior approval of a State steward, an applicant may  
26 have such sets of fingerprints taken by an official law  
27 enforcement agency and submitted to the Board.

28 ~~The Board shall cause one set of such fingerprints to be~~  
29 ~~compared with fingerprints of criminals now or hereafter~~  
30 ~~filed in the records of the Illinois Department of State~~  
31 ~~Police. The Board shall also cause such fingerprints to be~~  
32 ~~compared with fingerprints of criminals now or hereafter~~  
33 ~~filed in the records of other official fingerprint files~~  
34 ~~within or without this State.~~

1       The Board may, in its discretion, require the applicant  
2       to pay a fee for the purpose of having his fingerprints  
3       processed. The fingerprint processing fee shall be set  
4       annually by the Director of State Police, based upon actual  
5       costs.

6       (f) The Board may, in its discretion, issue an  
7       occupation license without submission of fingerprints if an  
8       applicant has been duly licensed in another recognized racing  
9       jurisdiction after submitting fingerprints that were  
10      subjected to a Federal Bureau of Investigation criminal  
11      history background check in that jurisdiction.

12      (Source: P.A. 91-40, eff. 6-25-99.)

13      Section 30. The Riverboat Gambling Act is amended by  
14      changing Section 22 as follows:

15      (230 ILCS 10/22) (from Ch. 120, par. 2422)

16      Sec. 22. Criminal history record information. Whenever  
17      the Board is authorized or required by law to consider some  
18      aspect of criminal history record information for the purpose  
19      of carrying out its statutory powers and responsibilities,  
20      the Board shall, in the form and manner required by the  
21      Department of State Police and the Federal Bureau of  
22      Investigation, cause to be conducted a criminal history  
23      record investigation to obtain any information currently or  
24      hereafter contained in the files of the Department of State  
25      Police or the Federal Bureau of Investigation. Each applicant  
26      for occupational licensing under Section 9 or key person as  
27      defined by the Board in administrative rules shall submit his  
28      or her fingerprints to the Department of State Police in the  
29      form and manner prescribed by the Department of State Police.  
30      These fingerprints shall be checked against the fingerprint  
31      records now and hereafter filed in the Department of State  
32      Police and Federal Bureau of Investigation criminal history

1 records databases. The Department of State Police shall  
2 charge a fee for conducting the criminal history records  
3 check, which shall be deposited in the State Police Services  
4 Fund and shall not exceed the actual cost of the records  
5 check. The Department of State Police shall provide, on the  
6 Board's request, information concerning any criminal charges,  
7 and their disposition, currently or thereafter filed against  
8 an applicant for or holder of an occupational license.  
9 Information obtained as a result of an investigation under  
10 this Section shall be used in determining eligibility for an  
11 occupational license under Section 9. Upon request and  
12 payment of fees in conformance with the requirements of  
13 Section 2605-400 of the Department of State Police Law (20  
14 ILCS 2605/2605-400), the Department of State Police is  
15 authorized to furnish, pursuant to positive identification,  
16 such information contained in State files as is necessary to  
17 fulfill the request.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 Section 35. The Liquor Control Act of 1934 is amended by  
20 changing Section 4-7 as follows:

21 (235 ILCS 5/4-7) (from Ch. 43, par. 114a)

22 Sec. 4-7. The local liquor control commissioner shall  
23 have the right to require fingerprints of any applicant for a  
24 local license or for a renewal thereof other than an  
25 applicant who is an air carrier operating under a certificate  
26 or a foreign air permit issued pursuant to the Federal  
27 Aviation Act of 1958. Each applicant shall submit his or her  
28 fingerprints to the Department of State Police in the form  
29 and manner prescribed by the Department of State Police.  
30 These fingerprints shall be checked against the fingerprint  
31 records now and hereafter filed in the Department of State  
32 Police and Federal Bureau of Investigation criminal history

1 records databases. The Department of State Police shall  
2 charge a fee for conducting the criminal history records  
3 check, which shall be deposited in the State Police Services  
4 Fund and shall not exceed the actual cost of the records  
5 check. The Department of State Police shall furnish pursuant  
6 to positive identification, records of conviction to the  
7 local liquor control commissioner. For purposes of obtaining  
8 fingerprints under this Section, the local liquor  
9 commissioner shall collect a fee and forward the fee to the  
10 appropriate policing body who shall submit the fingerprints  
11 and the fee to the Illinois Department of State Police.

12 (Source: P.A. 84-1081.)

13 Section 40. The Housing Authorities Act is amended by  
14 changing Section 25 as follows:

15 (310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

16 Sec. 25. Rentals and tenant selection. In the operation  
17 or management of housing projects an Authority shall at all  
18 times observe the following duties with respect to rentals  
19 and tenant selection:

20 (a) It shall not accept any person as a tenant in any  
21 dwelling in a housing project if the persons who would occupy  
22 the dwelling have an aggregate annual income which equals or  
23 exceeds the amount which the Authority determines (which  
24 determination shall be conclusive) to be necessary in order  
25 to enable such persons to secure safe, sanitary and  
26 uncongested dwelling accommodations within the area of  
27 operation of the Authority and to provide an adequate  
28 standard of living for themselves.

29 (b) It may rent or lease the dwelling accommodations  
30 therein only at rentals within the financial reach of persons  
31 who lack the amount of income which it determines (pursuant  
32 to (a) of this Section) to be necessary in order to obtain

1 safe, sanitary and uncongested dwelling accommodations within  
2 the area of operation of the Authority and to provide an  
3 adequate standard of living.

4 (c) It may rent or lease to a tenant a dwelling  
5 consisting of the number of rooms (but no greater number)  
6 which it deems necessary to provide safe and sanitary  
7 accommodations to the proposed occupants thereof, without  
8 overcrowding.

9 (d) It shall not change the residency preference of any  
10 prospective tenant once the application has been accepted by  
11 the authority.

12 (e) It may refuse to renew the tenancy of any person if,  
13 after due notice and an impartial hearing, that person or any  
14 of the proposed occupants of the dwelling has, during a term  
15 of tenancy or occupancy in any housing project operated by an  
16 Authority, been convicted of a criminal offense relating to  
17 the sale or distribution of controlled substances under the  
18 laws of this State, the United States or any other state.  
19 Confirmation of conviction data shall be determined by a  
20 fingerprint based criminal history records check. In such  
21 cases, the tenant or proposed occupant to whom the  
22 disqualifying conviction record belongs shall have his or her  
23 fingerprints submitted to the Department of State Police in  
24 the form and manner prescribed by the Department of State  
25 Police. These fingerprints shall be checked against the  
26 fingerprint records now and hereafter filed in the Department  
27 of State Police and Federal Bureau of Investigation criminal  
28 history records databases. The Department of State Police  
29 shall charge a fee for conducting the criminal history  
30 records check, which shall be deposited in the State Police  
31 Services Fund and shall not exceed the actual cost of the  
32 records check. The Department of State Police shall furnish  
33 pursuant to positive identification, records of conviction to  
34 the Authority.

1 (f) It may, if a tenant has created or maintained a  
2 threat constituting a serious and clear danger to the health  
3 or safety of other tenants or Authority employees, after 3  
4 days' written notice of termination and without a hearing,  
5 file suit against any such tenant for recovery of possession  
6 of the premises. The tenant shall be given the opportunity  
7 to contest the termination in the court proceedings. A  
8 serious and clear danger to the health or safety of other  
9 tenants or Authority employees shall include, but not be  
10 limited to, any of the following activities of the tenant or  
11 of any other person on the premises with the consent of the  
12 tenant:

13 (1) Physical assault or the threat of physical  
14 assault.

15 (2) Illegal use of a firearm or other weapon or the  
16 threat to use in an illegal manner a firearm or other  
17 weapon.

18 (3) Possession of a controlled substance by the  
19 tenant or any other person on the premises with the  
20 consent of the tenant if the tenant knew or should have  
21 known of the possession by the other person of a  
22 controlled substance, unless the controlled substance was  
23 obtained directly from or pursuant to a valid  
24 prescription.

25 (4) Streetgang membership as defined in the  
26 Illinois Streetgang Terrorism Omnibus Prevention Act.

27 The management of low-rent public housing projects  
28 financed and developed under the U.S. Housing Act of 1937  
29 shall be in accordance with that Act.

30 Nothing contained in this Section or any other Section of  
31 this Act shall be construed as limiting the power of an  
32 Authority to vest in a bondholder or trustee the right, in  
33 the event of a default by the Authority, to take possession  
34 and operate a housing project or cause the appointment of a

1 receiver thereof, free from all restrictions imposed by this  
2 Section or any other Section of this Act.

3 (Source: P.A. 89-351, eff. 1-1-96.)

4 Section 45. The Illinois Vehicle Code is amended by  
5 changing Sections 6-411 and 18a-200 as follows:

6 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

7 Sec. 6-411. Qualifications of Driver Training  
8 Instructors. In order to qualify for a license as an  
9 instructor for a driving school, an applicant must:

10 (a) Be of good moral character;

11 (b) Authorize an investigation to determine if the  
12 applicant has ever been convicted of a crime and if so, the  
13 disposition of those convictions; this authorization shall  
14 indicate the scope of the inquiry and the agencies which may  
15 be contacted. Upon this authorization the Secretary of State  
16 may request and receive information and assistance from any  
17 federal, state or local governmental agency as part of the  
18 authorized investigation. Each applicant shall submit his or  
19 her fingerprints to the Department of State Police in the  
20 form and manner prescribed by the Department of State Police.  
21 These fingerprints shall be checked against the fingerprint  
22 records now and hereafter filed in the Department of State  
23 Police and Federal Bureau of Investigation criminal history  
24 records databases. The Department of State Police shall  
25 charge a fee for conducting the criminal history records  
26 check, which shall be deposited in the State Police Services  
27 Fund and shall not exceed the actual cost of the records  
28 check. The Department of State Police shall provide  
29 information concerning any criminal convictions, and their  
30 disposition, brought against the applicant upon request of  
31 the Secretary of State when the request is made in the form  
32 and manner required by the Department of State Police. The

1 information derived from this investigation including the  
2 source of this information, and any conclusions or  
3 recommendations derived from this information by the  
4 Secretary of State shall be provided to the applicant, or his  
5 designee, upon request to the Secretary of State, prior to  
6 any final action by the Secretary of State on the  
7 application. No information obtained from such investigation  
8 may be placed in any automated information system. Any  
9 criminal convictions and their disposition information  
10 obtained by the Secretary of State shall be confidential and  
11 may not be transmitted outside the Office of the Secretary of  
12 State, except as required herein, and may not be transmitted  
13 to anyone within the Office of the Secretary of State except  
14 as needed for the purpose of evaluating the applicant. The  
15 only physical identity materials which the applicant can be  
16 required to provide the Secretary of State are photographs or  
17 fingerprints; these shall be returned to the applicant upon  
18 request to the Secretary of State, after the investigation  
19 has been completed and no copy of these materials may be kept  
20 by the Secretary of State or any agency to which such  
21 identity materials were transmitted. Only information and  
22 standards which bear a reasonable and rational relation to  
23 the performance of a driver training instructor shall be used  
24 by the Secretary of State. Any employee of the Secretary of  
25 State who gives or causes to be given away any confidential  
26 information concerning any criminal charges and their  
27 disposition of an applicant shall be guilty of a Class A  
28 misdemeanor unless release of such information is authorized  
29 by this Section;

30 (c) Pass such examination as the Secretary of State  
31 shall require on (1) traffic laws, (2) safe driving  
32 practices, (3) operation of motor vehicles, and (4)  
33 qualifications of teacher;

34 (d) Be physically able to operate safely a motor vehicle

1 and to train others in the operation of motor vehicles. An  
2 instructors license application must be accompanied by a  
3 medical examination report completed by a competent physician  
4 licensed to practice in the State of Illinois;

5 (e) Hold a valid Illinois drivers license;

6 (f) Have graduated from an accredited high school after  
7 at least 4 years of high school education or the equivalent;  
8 and

9 (g) Pay to the Secretary of State an application and  
10 license fee of \$35.

11 If a driver training school class room instructor teaches  
12 an approved driver education course, as defined in Section  
13 1-103 of this Code, to students under 18 years of age, he or  
14 she shall furnish to the Secretary of State a certificate  
15 issued by the State Board of Education that the said  
16 instructor is qualified and meets the minimum educational  
17 standards for teaching driver education courses in the local  
18 public or parochial school systems, except that no State  
19 Board of Education certification shall be required of any  
20 instructor who teaches exclusively in a commercial driving  
21 school. On and after July 1, 1986, the existing rules and  
22 regulations of the State Board of Education concerning  
23 commercial driving schools shall continue to remain in effect  
24 but shall be administered by the Secretary of State until  
25 such time as the Secretary of State shall amend or repeal the  
26 rules in accordance with The Illinois Administrative  
27 Procedure Act. Upon request, the Secretary of State shall  
28 issue a certificate of completion to a student under 18 years  
29 of age who has completed an approved driver education course  
30 at a commercial driving school.

31 (Source: P.A. 87-829; 87-832.)

32 (625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

33 Sec. 18a-200. General powers and duties of Commission.

1 The Commission shall:

2 (1) Regulate commercial vehicle relocators and their  
3 employees or agents in accordance with this Chapter and to  
4 that end may establish reasonable requirements with respect  
5 to proper service and practices relating thereto;

6 (2) Require the maintenance of uniform systems of  
7 accounts, records and the preservation thereof;

8 (3) Require that all drivers and other personnel used in  
9 relocation be employees of a licensed relocator;

10 (4) Regulate equipment leasing to and by relocators;

11 (5) Adopt reasonable and proper rules covering the  
12 exercise of powers conferred upon it by this Chapter, and  
13 reasonable rules governing investigations, hearings and  
14 proceedings under this Chapter;

15 (6) Set reasonable rates for the commercial towing or  
16 removal of trespassing vehicles from private property. The  
17 rates shall not exceed the mean average of the 5 highest  
18 rates for police tows within the territory to which this  
19 Chapter applies that are performed under Sections 4-201 and  
20 4-214 of this Code and that are of record at hearing;  
21 provided that the Commission shall not re-calculate the  
22 maximum specified herein if the order containing the previous  
23 calculation was entered within one calendar year of the date  
24 on which the new order is entered. Set reasonable rates for  
25 the storage, for periods in excess of 24 hours, of the  
26 vehicles in connection with the towing or removal; however,  
27 no relocator shall impose charges for storage for the first  
28 24 hours after towing or removal. Set reasonable rates for  
29 other services provided by relocators, provided that the  
30 rates shall not be charged to the owner or operator of a  
31 relocated vehicle. Any fee charged by a relocator for the  
32 use of a credit card that is used to pay for any service  
33 rendered by the relocator shall be included in the total  
34 amount that shall not exceed the maximum reasonable rate

1 established by the Commission. The Commission shall require  
2 a relocater to refund any amount charged in excess of the  
3 reasonable rate established by the Commission, including any  
4 fee for the use of a credit card;

5 (7) Investigate and maintain current files of the  
6 criminal records, if any, of all relocaters and their  
7 employees and of all applicants for relocater's license,  
8 operator's licenses and dispatcher's licenses. If the  
9 Commission determines that an applicant for a license issued  
10 under this Chapter will be subjected to a criminal history  
11 records check, the applicant shall submit his or her  
12 fingerprints to the Department of State Police in the form  
13 and manner prescribed by the Department of State Police.  
14 These Fingerprints shall be checked against the Department of  
15 State Police and Federal Bureau of Investigation criminal  
16 history record information databases now and hereafter filed.  
17 The Department of State Police shall charge the applicant a  
18 fee for conducting the criminal history records check, which  
19 shall be deposited in the State Police Services Fund and  
20 shall not exceed the actual cost of the records check. The  
21 Department of State Police shall furnish pursuant to positive  
22 identification, records of conviction to the Commission;

23 (8) Issue relocater's licenses, dispatcher's employment  
24 permits, and operator's employment permits in accordance with  
25 Article IV of this Chapter;

26 (9) Establish fitness standards for applicants seeking  
27 relocater licensees and holders of relocater licenses;

28 (10) Upon verified complaint in writing by any person,  
29 organization or body politic, or upon its own initiative may,  
30 investigate whether any commercial vehicle relocater,  
31 operator, dispatcher, or person otherwise required to comply  
32 with any provision of this Chapter or any rule promulgated  
33 hereunder, has failed to comply with any provision or rule;

34 (11) Whenever the Commission receives notice from the

1 Secretary of State that any domestic or foreign corporation  
2 regulated under this Chapter has not paid a franchise tax,  
3 license fee or penalty required under the Business  
4 Corporation Act of 1983, institute proceedings for the  
5 revocation of the license or right to engage in any business  
6 required under this Chapter or the suspension thereof until  
7 such time as the delinquent franchise tax, license fee or  
8 penalty is paid.

9 (Source: P.A. 88-448.)

10 Section 50. The Adoption Act is amended by changing  
11 Section 6 as follows:

12 (750 ILCS 50/6) (from Ch. 40, par. 1508)

13 Sec. 6. A. Investigation; all cases. Within 10 days  
14 after the filing of a petition for the adoption or standby  
15 adoption of a child other than a related child, the court  
16 shall appoint a child welfare agency approved by the  
17 Department of Children and Family Services, or a person  
18 deemed competent by the court, or in Cook County the Court  
19 Services Division of the Cook County Department of Public  
20 Aid, or the Department of Children and Family Services if the  
21 court determines that no child welfare agency is available or  
22 that the petitioner is financially unable to pay for the  
23 investigation, to investigate accurately, fully and promptly,  
24 the allegations contained in the petition; the character,  
25 reputation, health and general standing in the community of  
26 the petitioners; the religious faith of the petitioners and,  
27 if ascertainable, of the child sought to be adopted; and  
28 whether the petitioners are proper persons to adopt the child  
29 and whether the child is a proper subject of adoption. The  
30 investigation required under this Section shall include a  
31 fingerprint based criminal background check with a review of  
32 fingerprints by the Illinois State Police and Federal Bureau

1 of Investigation authorities. Each petitioner subject to this  
2 investigation, shall submit his or her fingerprints to the  
3 Department of State Police in the form and manner prescribed  
4 by the Department of State Police. These fingerprints shall  
5 be checked against the fingerprint records now and hereafter  
6 filed in the Department of State Police and Federal Bureau of  
7 Investigation criminal history records databases. The  
8 Department of State Police shall charge a fee for conducting  
9 the criminal history records check, which shall be deposited  
10 in the State Police Services Fund and shall not exceed the  
11 actual cost of the records check. The criminal background  
12 check required by this Section shall include a listing of  
13 when, where and by whom the criminal background check was  
14 prepared. The criminal background check required by this  
15 Section shall not be more than two years old.

16 Neither a clerk of the circuit court nor a judge may  
17 require that a criminal background check or fingerprint  
18 review be filed with, or at the same time as, an initial  
19 petition for adoption.

20 B. Investigation; foreign-born child. In the case of a  
21 child born outside the United States or a territory thereof,  
22 in addition to the investigation required under subsection  
23 (A) of this Section, a post-placement investigation shall be  
24 conducted in accordance with the requirements of the Child  
25 Care Act of 1969, the Interstate Compact on the Placement of  
26 Children, and regulations of the foreign placing agency and  
27 the supervising agency.

28 The requirements of a post-placement investigation shall  
29 be deemed to have been satisfied if a valid final order or  
30 judgment of adoption has been entered by a court of competent  
31 jurisdiction in a country other than the United States or a  
32 territory thereof with respect to such child and the  
33 petitioners.

34 C. Report of investigation. The court shall determine

1 whether the costs of the investigation shall be charged to  
2 the petitioners. The information obtained as a result of such  
3 investigation shall be presented to the court in a written  
4 report. The results of the criminal background check required  
5 under subsection (A) shall be provided to the court for its  
6 review. The court may, in its discretion, weigh the  
7 significance of the results of the criminal background check  
8 against the entirety of the background of the petitioners.  
9 The Court, in its discretion, may accept the report of the  
10 investigation previously made by a licensed child welfare  
11 agency, if made within one year prior to the entry of the  
12 judgment. Such report shall be treated as confidential and  
13 withheld from inspection unless findings adverse to the  
14 petitioners or to the child sought to be adopted are  
15 contained therein, and in that event the court shall inform  
16 the petitioners of the relevant portions pertaining to the  
17 adverse findings. In no event shall any facts set forth in  
18 the report be considered at the hearing of the proceeding,  
19 unless established by competent evidence. The report shall be  
20 filed with the record of the proceeding. If the file  
21 relating to the proceeding is not impounded, the report shall  
22 be impounded by the clerk of the court and shall be made  
23 available for inspection only upon order of the court.

24 D. Related adoption. Such investigation shall not be  
25 made when the petition seeks to adopt a related child or an  
26 adult unless the court, in its discretion, shall so order. In  
27 such an event the court may appoint a person deemed competent  
28 by the court.

29 (Source: P.A. 91-429, eff. 1-1-00; 91-572, eff. 1-1-00;  
30 91-740, eff. 6-2-00.)".