



## 93RD GENERAL ASSEMBLY

### State of Illinois

2003 and 2004

HB6951

Introduced 2/9/2004, by John A. Fritchey

#### SYNOPSIS AS INTRODUCED:

New Act

20 ILCS 2605/2605-315

was 20 ILCS 2605/55a in part

210 ILCS 100/2.5 new

30 ILCS 805/8.28 new

Creates the Children's Camp Counselor Background Investigation Act and amends the Department of State Police Law of the Civil Administrative Code of Illinois, the Youth Camp Act, and the State Mandates Act. Provides that the Department of Children and Family Services shall require every children's camp employee or volunteer who works with children to authorize an investigation to determine whether the employee or volunteer has ever been charged with a crime and, if so, the disposition of the charges. Requires the Department of State Police to provide information concerning criminal charges and their disposition. Provides for the confidentiality of such information, and provides that a violation of confidentiality is a Class A misdemeanor. Provides that a youth camp licensed under the Youth Camp Act must comply with the Children's Camp Counselor Background Investigation Act. Requires implementation without reimbursement under the State Mandates Act. Effective January 1, 2005.

LRB093 21197 DRJ 47281 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning children.

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

4 Section 1. Short title. This Act may be cited as the  
5 Children's Camp Counselor Background Investigation Act.

6 Section 5. Definitions. In this Act:

7 "Children's camp" means any program operated wholly or in  
8 part for recreational or instructional purposes and  
9 accommodating, for profit or under philanthropic or charitable  
10 auspices, 5 or more children under 18 years of age, apart from  
11 their parents, relatives, or legal guardians, whether operated  
12 as a day camp or a resident (overnight) camp and whether  
13 operated by an individual, a private organization, or a unit of  
14 local government or other public entity. The term includes any  
15 such program operated for any part of a day or for a longer  
16 period. The term includes a youth camp as defined in the Youth  
17 Camp Act.

18 "Children's camp counselor" means any person, whether an  
19 employee of the camp or a volunteer, who provides any services  
20 to children under 18 years of age at a children's camp in the  
21 course of performing his or her duties at the camp.

22 "Department" means the Department of Children and Family  
23 Services.

24 Section 10. Criminal background investigations.

25 (a) The Department shall require that every children's camp  
26 counselor, as a condition of serving in that capacity,  
27 authorize an investigation to determine whether he or she has  
28 ever been charged with a crime and, if so, the disposition of  
29 those charges. This authorization shall indicate the scope of  
30 the inquiry and the agencies that may be contacted. Upon  
31 receiving the authorization, the Director of Children and

1 Family Services shall request and receive information and  
2 assistance from any federal, State, or local governmental  
3 agency as part of the authorized investigation.

4 (b) Every children's camp counselor or prospective  
5 children's camp counselor must submit his or her fingerprints  
6 to the Department of State Police in the form and manner  
7 prescribed by the Department of State Police. These  
8 fingerprints shall be checked against the fingerprint records  
9 now and hereafter filed in the Department of State Police  
10 criminal history records databases and, in the case of a  
11 children's camp counselor or prospective children's camp  
12 counselor 18 years of age or older, the Federal Bureau of  
13 Investigation criminal history records databases. The  
14 Department of State Police shall charge a fee for conducting  
15 the criminal history records check, which shall be deposited in  
16 the State Police Services Fund and shall not exceed the actual  
17 cost of the records check.

18 (c) The Department of State Police shall provide  
19 information concerning any criminal charges, and their  
20 disposition, now or hereafter filed, against a children's camp  
21 counselor or prospective children's camp counselor upon  
22 request of the Department of Children and Family Services when  
23 the request is made in the form and manner required by the  
24 Department of State Police.

25 (d) Information concerning convictions of a children's  
26 camp counselor or prospective children's camp counselor  
27 investigated under this Section, including the source of the  
28 information and any conclusions or recommendations derived  
29 from the information, shall be provided to the operator of the  
30 children's camp, and, upon request, to the children's camp  
31 counselor or prospective children's camp counselor. Any  
32 information concerning criminal charges and the disposition of  
33 such charges obtained by the Department shall be confidential  
34 and may not be transmitted outside the Department, except as  
35 required in this Section, and may not be transmitted to anyone  
36 within the Department except as needed for the purpose of

1 evaluating a children's camp counselor or prospective  
2 children's camp counselor. Only information and standards that  
3 bear a reasonable and rational relation to the performance of a  
4 children's camp counselor or prospective children's camp  
5 counselor shall be used by the Department or a children's camp.  
6 Any employee of the Department of Children and Family Services,  
7 the Department of State Police, or a children's camp receiving  
8 confidential information under this Section who gives or causes  
9 to be given any confidential information concerning any  
10 criminal convictions of a children's camp counselor or  
11 prospective children's camp counselor is guilty of a Class A  
12 misdemeanor unless the release of the information is authorized  
13 by this Section.

14 (e) A children's camp may, on a probationary basis, engage  
15 the services of any children's camp counselor or prospective  
16 children's camp counselor authorizing a criminal background  
17 investigation under this Section, pending the result of the  
18 investigation. Counselors must be notified prior to hiring or  
19 acceptance as a volunteer that such employment or use of  
20 volunteer services may be terminated on the basis of criminal  
21 background information obtained by the children's camp.

22 Section 90. The Department of State Police Law of the Civil  
23 Administrative Code of Illinois is amended by changing Section  
24 2605-315 as follows:

25 (20 ILCS 2605/2605-315) (was 20 ILCS 2605/55a in part)

26 Sec. 2605-315. Criminal history record information for  
27 Department of Children and Family Services. Upon the request of  
28 the Department of Children and Family Services, the Department  
29 of State Police shall provide properly designated employees of  
30 the Department of Children and Family Services with criminal  
31 history record information as defined in the Illinois Uniform  
32 Conviction Information Act and information maintained in the  
33 statewide central juvenile records system as defined in Section  
34 2605-355 if the Department of Children and Family Services

1 determines the information is necessary to perform its duties  
2 under the Abused and Neglected Child Reporting Act, the Child  
3 Care Act of 1969, the Children's Camp Counselor Background  
4 Investigation Act, and the Children and Family Services Act.  
5 The request shall be in the form and manner specified by the  
6 Department of State Police.

7 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,  
8 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,  
9 eff. 8-14-98; 91-239, eff. 1-1-00.)

10 Section 93. The Youth Camp Act is amended by adding Section  
11 2.5 as follows:

12 (210 ILCS 100/2.5 new)

13 Sec. 2.5. Children's Camp Counselor Background  
14 Investigation Act. Every youth camp must comply with the  
15 Children's Camp Counselor Background Investigation Act.

16 Section 98. The State Mandates Act is amended by adding  
17 Section 8.28 as follows:

18 (30 ILCS 805/8.28 new)

19 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8  
20 of this Act, no reimbursement by the State is required for the  
21 implementation of any mandate created by this amendatory Act of  
22 the 93rd General Assembly.

23 Section 99. Effective date. This Act takes effect January  
24 1, 2005.