



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

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SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 105/5.625 new

Creates the Nanny Registration Act. Provides that no person may use the title "registered nanny" unless registered under the provisions of the Act by the Department of Children and Family Services. Provides that fess collected pursuant to the Act shall be deposited into the Nanny Registration Fund, a special fund in the State treasury. Amends the State Finance Act to create the Nanny Registration Fund.

LRB093 14750 AMC 40298 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning professional regulation.

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 Nanny
5 Registration Act.

6 Section 5. Definitions. For the purposes of this Act:

7 "Department" means the Department of Children and Family
8 Services.

9 "Director" means the Director of Children and Family
10 Services.

11 "Nanny" means a person 18 years of age or older who
12 provides child care or supervision as a primary job
13 responsibility that is not required to be licensed as a child
14 care provider under the Child Care Act of 1969.

15 Section 10. Application for registration and renewal.

16 (a) Application for initial registration and renewal of
17 registration as a nanny must be made to the Department in the
18 manner and on forms prescribed by it.

19 (b) An application for initial registration shall include,
20 at a minimum, all of the following:

21 (1) A completed written form accompanied by the
22 required fee, as determined by rule.

23 (2) A copy of the applicant's valid driver's license or
24 other form of identification as provided by rule.

25 (3) Written authorization by the applicant to conduct a
26 criminal background investigation.

27 (4) Fingerprints submitted by the applicant in
28 accordance with the provisions of Section 15.

29 (c) An application for renewal of a registration shall
30 include, at a minimum, all of the following:

31 (1) A completed written form accompanied by the

1 required fee, as determined by rule.

2 (2) Written authorization by the applicant to conduct a
3 criminal background investigation.

4 (d) Upon completion of the application for registration,
5 the Department shall issue a certificate of registration to the
6 applicant, unless otherwise prohibited from doing so by Section
7 20.

8 Section 15. Criminal background investigations. The
9 Department shall require that each applicant for initial
10 registration and renewal of registration, as part of the
11 application process, authorize an investigation to determine
12 if the applicant has ever been charged with a crime and if so,
13 the disposition of those charges; this authorization shall
14 indicate the scope of the inquiry and the agencies which may be
15 contacted. Upon this authorization, the Director shall request
16 and receive information and assistance from any federal, State
17 or local governmental agency as part of the authorized
18 investigation. Each applicant shall submit his or her
19 fingerprints to the Department of State Police in the form and
20 manner prescribed by the Department of State Police. These
21 fingerprints shall be checked against the fingerprint records
22 now and hereafter filed in the Department of State Police and
23 Federal Bureau of Investigation criminal history records
24 databases. The Department of State Police shall charge a fee
25 for conducting the criminal history records check, which shall
26 be deposited in the State Police Services Fund and shall not
27 exceed the actual cost of the records check. The Department of
28 State Police shall provide information concerning any criminal
29 charges, and their disposition, now or hereafter filed, against
30 an applicant or child care facility employee upon request of
31 the Department of Children and Family Services when the request
32 is made in the form and manner required by the Department of
33 State Police.

34 Information concerning convictions of an applicant
35 investigated under this Section, including the source of the

1 information and any conclusions or recommendations derived
2 from the information, shall be provided, upon request, to such
3 applicant prior to final action by the Department on the
4 application. Any information concerning criminal charges and
5 the disposition of such charges obtained by the Department
6 shall be confidential and may not be transmitted outside the
7 Department, except as required herein, and may not be
8 transmitted to anyone within the Department except as needed
9 for the purpose of evaluating an application for registration.
10 Only information and standards which bear a reasonable and
11 rational relation to the performance of a nanny shall be used
12 by the Department. Any employee of the Department of Children
13 and Family Services or Department of State Police receiving
14 confidential information under this Section who gives or causes
15 to be given any confidential information concerning any
16 criminal convictions of an applicant shall be guilty of a Class
17 A misdemeanor unless release of such information is authorized
18 by this Section.

19 Section 20. Registration prohibited.

20 (a) No applicant may receive a certificate of registration
21 from the Department who refuses to authorize an investigation
22 as required by Section 15.

23 (b) In addition to the other provisions of this Section, no
24 applicant may receive a certificate of registration or renewal
25 of registration from the Department who has been declared a
26 sexually dangerous person under the Sexually Dangerous Persons
27 Act or convicted of committing or attempting to commit any of
28 the following offenses stipulated under the Criminal Code of
29 1961, the Cannabis Control Act, and the Illinois Controlled
30 Substances Act:

31 (I) HOMICIDE

32 (1) Murder.

33 (2) Solicitation of murder.

- 1 (3) Solicitation of murder for hire.
- 2 (4) Intentional homicide of an unborn child.
- 3 (5) Voluntary manslaughter of an unborn child.
- 4 (6) Involuntary manslaughter.
- 5 (7) Reckless homicide.
- 6 (8) Concealment of a homicidal death.
- 7 (9) Involuntary manslaughter of an unborn child.
- 8 (10) Reckless homicide of an unborn child.
- 9 (11) Drug-induced homicide.

10 (II) KIDNAPPING AND RELATED OFFENSES

- 11 (1) Kidnapping.
- 12 (2) Aggravated kidnapping.
- 13 (3) Aggravated unlawful restraint.
- 14 (4) Forcible detention.
- 15 (5) Harboring a runaway.
- 16 (6) Child abduction.
- 17 (7) Aiding and abetting child abduction.
- 18 (8) Unlawful restraint.

19 (III) SEX OFFENSES

- 20 (1) A sex offense under Article 11, except offenses
- 21 described in Sections 11-7, 11-8, 11-12, and 11-13.

22 (IV) BODILY HARM

- 23 (1) Felony aggravated assault.
- 24 (2) Vehicular endangerment.
- 25 (3) Felony domestic battery.
- 26 (4) Aggravated battery.
- 27 (5) Heinous battery.
- 28 (6) Aggravated battery with a firearm.
- 29 (7) Aggravated battery of a child.
- 30 (8) Aggravated battery of an unborn child.

- 1 (9) Aggravated battery of a senior citizen.
- 2 (9) Intimidation.
- 3 (10) Compelling organization membership of persons.
- 4 (11) Abuse and gross neglect of a long term care
- 5 facility resident.
- 6 (12) Felony violation of an order of protection.
- 7 (13) Criminal sexual assault.
- 8 (14) Aggravated criminal sexual assault.
- 9 (15) Predatory criminal sexual assault of a child.
- 10 (16) Criminal sexual abuse.
- 11 (17) Aggravated criminal sexual abuse.
- 12 (18) Tampering with food, drugs, or cosmetics.
- 13 (19) Drug induced infliction of great bodily harm.
- 14 (20) Hate crime.
- 15 (21) Stalking.
- 16 (22) Aggravated stalking.
- 17 (23) Threatening public officials.
- 18 (24) Home invasion.
- 19 (25) Vehicular invasion.
- 20 (26) Criminal transmission of HIV.
- 21 (27) Criminal abuse or neglect of an elderly or
- 22 disabled person.
- 23 (28) Child abandonment.
- 24 (29) Endangering the life or health of a child.
- 25 (30) Ritual mutilation.
- 26 (31) Ritualized abuse of a child.

27 (V) OFFENSES DIRECTED AGAINST PROPERTY

- 28 (1) Felony theft.
- 29 (2) Robbery.
- 30 (3) Armed robbery.
- 31 (4) Aggravated robbery.
- 32 (5) Vehicular hijacking.
- 33 (6) Aggravated vehicular hijacking.
- 34 (7) Burglary.

- 1 (8) Possession of burglary tools.
- 2 (9) Residential burglary.
- 3 (10) Criminal fortification of a residence or
- 4 building.
- 5 (11) Arson.
- 6 (12) Aggravated arson.
- 7 (13) Possession of explosive or explosive incendiary
- 8 devices.

9 (VI) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 10 (1) Felony unlawful use of weapons.
- 11 (2) Aggravated discharge of a firearm.
- 12 (3) Reckless discharge of a firearm.
- 13 (4) Unlawful use of metal piercing bullets.
- 14 (5) Unlawful sale or delivery of firearms on the
- 15 premises of any school.
- 16 (6) Disarming a police officer.
- 17 (7) Obstructing justice.
- 18 (8) Concealing or aiding a fugitive.
- 19 (9) Armed violence.
- 20 (10) Felony contributing to the criminal delinquency
- 21 of a juvenile.

22 (VII) DRUG OFFENSES

- 23 (1) Possession of more than 30 grams of cannabis.
- 24 (2) Manufacture of more than 10 grams of cannabis.
- 25 (3) Cannabis trafficking.
- 26 (4) Delivery of cannabis on school grounds.
- 27 (5) Unauthorized production of more than 5 cannabis
- 28 sativa plants.
- 29 (6) Calculated criminal cannabis conspiracy.
- 30 (7) Unauthorized manufacture or delivery of controlled
- 31 substances.
- 32 (8) Controlled substance trafficking.

1 (9) Manufacture, distribution, or advertisement of
2 look-alike substances.

3 (10) Calculated criminal drug conspiracy.

4 (11) Street gang criminal drug conspiracy.

5 (12) Permitting unlawful use of a building.

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

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

12 (15) Delivery of controlled substances.

13 (16) Sale or delivery of drug paraphernalia.

14 (17) Felony possession, sale, or exchange of
15 instruments adapted for use of a controlled substance or
16 cannabis by subcutaneous injection.

17 (18) Felony possession of a controlled substance.

18 (c) The Department may issue or renew a certificate of
19 registration of an applicant, provided that all of the
20 following requirements are met:

21 (1) The relevant criminal offense occurred more than 5
22 years prior to the date of application or renewal, except
23 for drug offenses. The relevant drug offense must have
24 occurred more than 10 years prior to the date of
25 application or renewal, unless the applicant passed a drug
26 test, arranged and paid for by the applicant, no less than
27 5 years after the offense.

28 (2) The Department must conduct a background check and
29 assess all convictions and recommendations of the
30 applicant to determine if waiver shall apply in accordance
31 with Department administrative rules and procedures.

32 (3) The applicant meets all other requirements and
33 qualifications to be registered under this Act and the
34 Department's administrative rules.

35 Section 25. Renewal of registration; reapplication. A

1 certificate of registration expires 2 years after the date of
2 issuance, unless renewed by the applicant in the manner
3 provided in Section 10.

4 Section 30. Title protection. Persons registered under
5 this Act are exclusively entitled to use the title "registered
6 nanny". Anyone not registered this Act who uses the title
7 "registered nanny" is in violation of this Act and is guilty of
8 a Class A misdemeanor for a first offense and a Class 4 felony
9 for a second or subsequent offense.

10 Section 35. Duties of the Department. Subject to provisions
11 of this Act, the Department shall:

12 (1) Formulate rules required for the administration of
13 this Act.

14 (2) Conduct hearings or proceedings to refuse to issue
15 or renew a license under this Act.

16 (3) Maintain a roster of the names and addresses of all
17 registrants and all persons whose certificates of
18 registration have been denied renewal for cause within the
19 previous calendar year. The roster shall be available upon
20 written request and payment of the required fee.

21 Section 40. Nanny Registration Fund. The Nanny
22 Registration Fund is hereby created as a special fund in the
23 State treasury. All fees collected pursuant to this Act shall
24 be deposited into this Fund to be used by the Department to
25 administer this Act and to publicize the practice of
26 registration of nannies in the State of Illinois.

27 Section 105. The State Finance Act is amended by adding
28 Section 5.625 as follows:

29 (30 ILCS 105/5.625 new)

30 Sec. 5.625. The Nanny Registration Fund.