

1 AN ACT concerning child care facilities.

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

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

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

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

11 (b) Until January 1, 2004, no applicant may receive a
12 license from the Department and no person may be employed by
13 a child care facility licensed by the Department who has been
14 declared a sexually dangerous person under the Sexually
15 Dangerous Persons Act "~~An Act in relation to sexually~~
16 ~~dangerous persons, and providing for their commitment,~~
17 ~~detention and supervision"~~, approved July 6, 1938, as
18 amended, or convicted of committing or attempting to commit
19 any of the following offenses stipulated under the Criminal
20 Code of 1961:

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

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

1 any of the foregoing offenses.

2 (c) Until January 1, 2004, in addition to the provisions
3 set forth in subsection (b), no applicant may receive a
4 license from the Department to operate a foster family home,
5 and no adult person may reside in a foster family home
6 licensed by the Department, who has been convicted of
7 committing or attempting to commit any of the following
8 offenses stipulated under the Criminal Code of 1961, the
9 Cannabis Control Act, and the Illinois Controlled Substances
10 Act:

11 (I) OFFENSES DIRECTED AGAINST THE PERSON

12 (A) KIDNAPPING AND RELATED OFFENSES

13 (1) Unlawful restraint.

14 (B) BODILY HARM

15 (2) Felony aggravated assault.

16 (3) Vehicular endangerment.

17 (4) Felony domestic battery.

18 (5) Aggravated battery.

19 (6) Heinous battery.

20 (7) Aggravated battery with a firearm.

21 (8) Aggravated battery of an unborn child.

22 (9) Aggravated battery of a senior citizen.

23 (10) Intimidation.

24 (11) Compelling organization membership of persons.

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

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

28 (II) OFFENSES DIRECTED AGAINST PROPERTY

29 (14) Felony theft.

30 (15) Robbery.

31 (16) Armed robbery.

32 (17) Aggravated robbery.

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

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

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

25 (IV) DRUG OFFENSES

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

1 (43) Unauthorized manufacture or delivery of
2 controlled substances.

3 (44) Controlled substance trafficking.

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

6 (46) Calculated criminal drug conspiracy.

7 (46.5) Streetgang criminal drug conspiracy.

8 (47) Permitting unlawful use of a building.

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

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

16 (50) Delivery of controlled substances.

17 (51) Sale or delivery of drug paraphernalia.

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

21 (c-5) Beginning January 1, 2004, no person may operate
22 or receive a license from the Department to operate, no
23 person may be employed by, and no adult person may reside in
24 a child care facility licensed by the Department who has been
25 declared a sexually dangerous person under the Sexually
26 Dangerous Persons Act or a sexually violent person under the
27 Sexually Violent Persons Commitment Act or has been convicted
28 of committing or attempting to commit a misdemeanor offense
29 included under item (2) or (3.3) of subsection (b) of this
30 Section or a felony under any of the following Acts:

31 (1) The Criminal Code of 1961.

32 (2) The Hazing Act.

33 (3) The Harassing and Obscene Communications Act.

34 (4) The Wrongs to Children Act.

- 1 (5) The Illinois Abortion Law of 1975.
- 2 (6) The Adoption Compensation Prohibition Act.
- 3 (7) The Cannabis Control Act.
- 4 (8) The Illinois Controlled Substances Act.
- 5 (9) The Drug Paraphernalia Control Act.
- 6 (10) The Hypodermic Syringes and Needles Act.
- 7 (11) The Use of Intoxicating Compounds Act.

8 (d) Notwithstanding subsection (c), the Department may
9 issue a new foster family home license or may renew an
10 existing foster family home license of an applicant who was
11 convicted of an offense described in subsection (c), provided
12 all of the following requirements are met:

13 (1) The relevant criminal offense or offenses
14 occurred more than 10 years prior to the date of
15 application or renewal.

16 (2) The applicant had previously disclosed the
17 conviction or convictions to the Department for purposes
18 of a background check.

19 (3) After the disclosure, the Department either
20 placed a child in the home or the foster family home
21 license was issued.

22 (4) During the background check, the Department had
23 assessed and waived the conviction in compliance with the
24 existing statutes and rules in effect at the time of the
25 waiver.

26 (5) The applicant meets all other requirements and
27 qualifications to be licensed as a foster family home
28 under this Act and the Department's administrative rules.

29 (6) The applicant has a history of providing a
30 safe, stable home environment and appears able to
31 continue to provide a safe, stable home environment.

32 (d-5) Notwithstanding subsection (c-5), the Department
33 may issue a new child care facility license to or renew the
34 existing child care facility license of an applicant who was

1 convicted of an offense described in subsection (c-5),
2 provided that all of the following requirements are met:

3 (1) The relevant criminal offense occurred more
4 than 10 years prior to the date of application or
5 renewal.

6 (2) The applicant had previously disclosed the
7 conviction to the Department for purposes of a background
8 check.

9 (3) After the disclosure, the Department either
10 placed a child in the child care facility or the child
11 care facility license was issued.

12 (4) During the background check, the Department had
13 assessed and waived the conviction in compliance with the
14 existing statutes and rules in effect at the time of the
15 waiver.

16 (5) The applicant meets all other requirements and
17 qualifications to be licensed as the pertinent type of
18 child care facility under this Act and the Department's
19 administrative rules.

20 (6) The applicant has a history of providing a
21 safe, stable environment in the child care facility and
22 appears able to continue to provide a safe, stable
23 environment in the child care facility.

24 (e) For the purposes of this Section, "child care
25 facility" has the meaning ascribed to it in Section 2.05 of
26 this Act and includes, but is not limited to, day care homes
27 and group day care homes. "Child care facility license"
28 means a license issued by the Department to operate a child
29 care facility of the pertinent type.

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

31 Section 99. Effective date. This Act takes effect upon
32 becoming law.