

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

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

1 described in Sections 11-7, 11-8, 11-12, and 11-13;

2 (3) kidnapping;

3 (3.1) aggravated unlawful restraint;

4 (3.2) forcible detention;

5 (3.3) harboring a runaway;

6 (3.4) aiding and abetting child abduction;

7 (4) aggravated kidnapping;

8 (5) child abduction;

9 (6) aggravated battery of a child;

10 (7) criminal sexual assault;

11 (8) aggravated criminal sexual assault;

12 (8.1) predatory criminal sexual assault of a child;

13 (9) criminal sexual abuse;

14 (10) aggravated sexual abuse;

15 (11) heinous battery;

16 (12) aggravated battery with a firearm;

17 (13) tampering with food, drugs, or cosmetics;

18 (14) drug induced infliction of great bodily harm;

19 (15) hate crime;

20 (16) stalking;

21 (17) aggravated stalking;

22 (18) threatening public officials;

23 (19) home invasion;

24 (20) vehicular invasion;

25 (21) criminal transmission of HIV;

26 (22) criminal abuse or neglect of an elderly or  
27 disabled person;

28 (23) child abandonment;

29 (24) endangering the life or health of a child;

30 (25) ritual mutilation;

31 (26) ritualized abuse of a child;

32 (27) an offense in any other jurisdiction state the  
33 elements of which are similar and bear a substantial  
34 relationship to any of the foregoing offenses.

1           (b-1) In addition to the other provisions of this  
 2 Section, beginning January 1, 2004, no new applicant and, on  
 3 the date of licensure renewal, no current licensee may  
 4 operate or receive a license from the Department to operate,  
 5 no person may be employed by, and no adult person may reside  
 6 in a child care facility licensed by the Department who has  
 7 been convicted of committing or attempting to commit any of  
 8 the following offenses or an offense in any other  
 9 jurisdiction the elements of which are similar and bear a  
 10 substantial relationship to any of the following offenses:

11   (I) BODILY HARM

- 12                   (1) Felony aggravated assault.
- 13                   (2) Vehicular endangerment.
- 14                   (3) Felony domestic battery.
- 15                   (4) Aggravated battery.
- 16                   (5) Heinous battery.
- 17                   (6) Aggravated battery with a firearm.
- 18                   (7) Aggravated battery of an unborn child.
- 19                   (8) Aggravated battery of a senior citizen.
- 20                   (9) Intimidation.
- 21                   (10) Compelling organization membership of persons.
- 22                   (11) Abuse and gross neglect of a long term care  
 23 facility resident.
- 24                   (12) Felony violation of an order of protection.

25                   (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 26                   (1) Felony unlawful use of weapons.
- 27                   (2) Aggravated discharge of a firearm.
- 28                   (3) Reckless discharge of a firearm.
- 29                   (4) Unlawful use of metal piercing bullets.
- 30                   (5) Unlawful sale or delivery of firearms on the  
 31 premises of any school.
- 32                   (6) Disarming a police officer.

- 1           (7) Obstructing justice.
- 2           (8) Concealing or aiding a fugitive.
- 3           (9) Armed violence.
- 4           (10) Felony contributing to the criminal
- 5 delinquency of a juvenile.

(III) DRUG OFFENSES

- 7           (1) Possession of more than 30 grams of cannabis.
- 8           (2) Manufacture of more than 10 grams of cannabis.
- 9           (3) Cannabis trafficking.
- 10          (4) Delivery of cannabis on school grounds.
- 11          (5) Unauthorized production of more than 5 cannabis
- 12 sativa plants.
- 13          (6) Calculated criminal cannabis conspiracy.
- 14          (7) Unauthorized manufacture or delivery of
- 15 controlled substances.
- 16          (8) Controlled substance trafficking.
- 17          (9) Manufacture, distribution, or advertisement of
- 18 look-alike substances.
- 19          (10) Calculated criminal drug conspiracy.
- 20          (11) Street gang criminal drug conspiracy.
- 21          (12) Permitting unlawful use of a building.
- 22          (13) Delivery of controlled, counterfeit, or
- 23 look-alike substances to persons under age 18, or at
- 24 truck stops, rest stops, or safety rest areas, or on
- 25 school property.
- 26          (14) Using, engaging, or employing persons under 18
- 27 to deliver controlled, counterfeit, or look-alike
- 28 substances.
- 29          (15) Delivery of controlled substances.
- 30          (16) Sale or delivery of drug paraphernalia.
- 31          (17) Felony possession, sale, or exchange of
- 32 instruments adapted for use of a controlled substance or
- 33 cannabis by subcutaneous injection.

1           (18) Felony possession of a controlled substance.

2           (b-2) For child care facilities other than foster family  
3 homes, the Department may issue a new child care facility  
4 license to or renew the existing child care facility license  
5 of an applicant, a person employed by a child care facility,  
6 or an applicant who has an adult residing in a home child  
7 care facility who was convicted of an offense described in  
8 subsection (b-1), provided that all of the following  
9 requirements are met:

10           (1) The relevant criminal offense occurred more  
11 than 5 years prior to the date of application or renewal,  
12 except for drug offenses. The relevant drug offense must  
13 have occurred more than 10 years prior to the date of  
14 application or renewal, unless the applicant passed a  
15 drug test, arranged and paid for by the child care  
16 facility, no less than 5 years after the offense.

17           (2) The Department must conduct a background check  
18 and assess all convictions and recommendations of the  
19 child care facility to determine if waiver shall apply in  
20 accordance with Department administrative rules and  
21 procedures.

22           (3) The applicant meets all other requirements and  
23 qualifications to be licensed as the pertinent type of  
24 child care facility under this Act and the Department's  
25 administrative rules.

26           (c) In addition to the other provisions of this Section  
27 ~~set-forth-in-subsection--(b)~~, no applicant may receive a  
28 license from the Department to operate a foster family home,  
29 and no adult person may reside in a foster family home  
30 licensed by the Department, who has been convicted of  
31 committing or attempting to commit any of the following  
32 offenses stipulated under the Criminal Code of 1961, the  
33 Cannabis Control Act, and the Illinois Controlled Substances  
34 Act:

1 (I) OFFENSES DIRECTED AGAINST THE PERSON

2 (A) KIDNAPPING AND RELATED OFFENSES

3 (1) Unlawful restraint.

4 (B) BODILY HARM

5 (2) Felony aggravated assault.

6 (3) Vehicular endangerment.

7 (4) Felony domestic battery.

8 (5) Aggravated battery.

9 (6) Heinous battery.

10 (7) Aggravated battery with a firearm.

11 (8) Aggravated battery of an unborn child.

12 (9) Aggravated battery of a senior citizen.

13 (10) Intimidation.

14 (11) Compelling organization membership of persons.

15 (12) Abuse and gross neglect of a long term care  
16 facility resident.

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

18 (II) OFFENSES DIRECTED AGAINST PROPERTY

19 (14) Felony theft.

20 (15) Robbery.

21 (16) Armed robbery.

22 (17) Aggravated robbery.

23 (18) Vehicular hijacking.

24 (19) Aggravated vehicular hijacking.

25 (20) Burglary.

26 (21) Possession of burglary tools.

27 (22) Residential burglary.

28 (23) Criminal fortification of a residence or  
29 building.

30 (24) Arson.

31 (25) Aggravated arson.

32 (26) Possession of explosive or explosive

1 incendiary devices.

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

3 (27) Felony unlawful use of weapons.

4 (28) Aggravated discharge of a firearm.

5 (29) Reckless discharge of a firearm.

6 (30) Unlawful use of metal piercing bullets.

7 (31) Unlawful sale or delivery of firearms on the  
8 premises of any school.

9 (32) Disarming a police officer.

10 (33) Obstructing justice.

11 (34) Concealing or aiding a fugitive.

12 (35) Armed violence.

13 (36) Felony contributing to the criminal  
14 delinquency of a juvenile.

15 (IV) DRUG OFFENSES

16 (37) Possession of more than 30 grams of cannabis.

17 (38) Manufacture of more than 10 grams of cannabis.

18 (39) Cannabis trafficking.

19 (40) Delivery of cannabis on school grounds.

20 (41) Unauthorized production of more than 5  
21 cannabis sativa plants.

22 (42) Calculated criminal cannabis conspiracy.

23 (43) Unauthorized manufacture or delivery of  
24 controlled substances.

25 (44) Controlled substance trafficking.

26 (45) Manufacture, distribution, or advertisement of  
27 look-alike substances.

28 (46) Calculated criminal drug conspiracy.

29 (46.5) Streetgang criminal drug conspiracy.

30 (47) Permitting unlawful use of a building.

31 (48) Delivery of controlled, counterfeit, or  
32 look-alike substances to persons under age 18, or at

1 truck stops, rest stops, or safety rest areas, or on  
2 school property.

3 (49) Using, engaging, or employing persons under 18  
4 to deliver controlled, counterfeit, or look-alike  
5 substances.

6 (50) Delivery of controlled substances.

7 (51) Sale or delivery of drug paraphernalia.

8 (52) Felony possession, sale, or exchange of  
9 instruments adapted for use of a controlled substance or  
10 cannabis by subcutaneous injection.

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

16 (1) The relevant criminal offense or offenses  
17 occurred more than 10 years prior to the date of  
18 application or renewal.

19 (2) The applicant had previously disclosed the  
20 conviction or convictions to the Department for purposes  
21 of a background check.

22 (3) After the disclosure, the Department either  
23 placed a child in the home or the foster family home  
24 license was issued.

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

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

32 (6) The applicant has a history of providing a  
33 safe, stable home environment and appears able to  
34 continue to provide a safe, stable home environment.



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

2 Section 99. Effective date. This Act takes effect upon

3 becoming law.