

- 1 (1.3) intentional homicide of an unborn child;
- 2 (1.4) voluntary manslaughter of an unborn child;
- 3 (1.5) involuntary manslaughter;
- 4 (1.6) reckless homicide;
- 5 (1.7) concealment of a homicidal death;
- 6 (1.8) involuntary manslaughter of an unborn child;
- 7 (1.9) reckless homicide of an unborn child;
- 8 (1.10) drug-induced homicide;
- 9 (2) a sex offense under Article 11, except offenses
- 10 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 11 (3) kidnapping;
- 12 (3.1) aggravated unlawful restraint;
- 13 (3.2) forcible detention;
- 14 (3.3) harboring a runaway;
- 15 (3.4) aiding and abetting child abduction;
- 16 (4) aggravated kidnapping;
- 17 (5) child abduction;
- 18 (6) aggravated battery of a child;
- 19 (7) criminal sexual assault;
- 20 (8) aggravated criminal sexual assault;
- 21 (8.1) predatory criminal sexual assault of a child;
- 22 (9) criminal sexual abuse;
- 23 (10) aggravated sexual abuse;
- 24 (11) heinous battery;
- 25 (12) aggravated battery with a firearm;
- 26 (13) tampering with food, drugs, or cosmetics;
- 27 (14) drug induced infliction of great bodily harm;
- 28 (15) hate crime;
- 29 (16) stalking;
- 30 (17) aggravated stalking;
- 31 (18) threatening public officials;
- 32 (19) home invasion;
- 33 (20) vehicular invasion;
- 34 (21) criminal transmission of HIV;

1 (22) criminal abuse or neglect of an elderly or
2 disabled person;

3 (23) child abandonment;

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

5 (25) ritual mutilation;

6 (26) ritualized abuse of a child;

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

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

20 (I) BODILY HARM

21 (1) Felony aggravated assault.

22 (2) Vehicular endangerment.

23 (3) Felony domestic battery.

24 (4) Aggravated battery.

25 (5) Heinous battery.

26 (6) Aggravated battery with a firearm.

27 (7) Aggravated battery of an unborn child.

28 (8) Aggravated battery of a senior citizen.

29 (9) Intimidation.

30 (10) Compelling organization membership of persons.

31 (11) Abuse and gross neglect of a long term care
32 facility resident.

33 (12) Felony violation of an order of protection.

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

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

14 (III) DRUG OFFENSES

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

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

4 (15) Delivery of controlled substances.

5 (16) Sale or delivery of drug paraphernalia.

6 (17) Felony possession, sale, or exchange of
7 instruments adapted for use of a controlled substance or
8 cannabis by subcutaneous injection.

9 (18) Felony possession of a controlled substance.

10 (b-2) For child care facilities other than foster family
11 homes, the Department may issue a new child care facility
12 license to or renew the existing child care facility license
13 of an applicant, a person employed by a child care facility,
14 or an applicant who has an adult residing in a home child
15 care facility who was convicted of an offense described in
16 subsection (b-1), provided that all of the following
17 requirements are met:

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

25 (2) The Department must conduct a background check
26 and assess all convictions and recommendations of the
27 child care facility to determine if waiver shall apply in
28 accordance with Department administrative rules and
29 procedures.

30 (3) The applicant meets all other requirements and
31 qualifications to be licensed as the pertinent type of
32 child care facility under this Act and the Department's
33 administrative rules.

34 (c) In addition to the other provisions of this Section

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

9 (I) OFFENSES DIRECTED AGAINST THE PERSON

10 (A) KIDNAPPING AND RELATED OFFENSES

11 (1) Unlawful restraint.

12 (B) BODILY HARM

13 (2) Felony aggravated assault.

14 (3) Vehicular endangerment.

15 (4) Felony domestic battery.

16 (5) Aggravated battery.

17 (6) Heinous battery.

18 (7) Aggravated battery with a firearm.

19 (8) Aggravated battery of an unborn child.

20 (9) Aggravated battery of a senior citizen.

21 (10) Intimidation.

22 (11) Compelling organization membership of persons.

23 (12) Abuse and gross neglect of a long term care
24 facility resident.

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

26 (II) OFFENSES DIRECTED AGAINST PROPERTY

27 (14) Felony theft.

28 (15) Robbery.

29 (16) Armed robbery.

30 (17) Aggravated robbery.

31 (18) Vehicular hijacking.

32 (19) Aggravated vehicular hijacking.

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

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

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

23 (IV) DRUG OFFENSES

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

1 (44) Controlled substance trafficking.

2 (45) Manufacture, distribution, or advertisement of
3 look-alike substances.

4 (46) Calculated criminal drug conspiracy.

5 (46.5) Streetgang criminal drug conspiracy.

6 (47) Permitting unlawful use of a building.

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

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

14 (50) Delivery of controlled substances.

15 (51) Sale or delivery of drug paraphernalia.

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

19 (d) Notwithstanding subsection (c), the Department may
20 issue a new foster family home license or may renew an
21 existing foster family home license of an applicant who was
22 convicted of an offense described in subsection (c), provided
23 all of the following requirements are met:

24 (1) The relevant criminal offense or offenses
25 occurred more than 10 years prior to the date of
26 application or renewal.

27 (2) The applicant had previously disclosed the
28 conviction or convictions to the Department for purposes
29 of a background check.

30 (3) After the disclosure, the Department either
31 placed a child in the home or the foster family home
32 license was issued.

33 (4) During the background check, the Department had
34 assessed and waived the conviction in compliance with the

1 existing statutes and rules in effect at the time of the
2 waiver.

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

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

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."