



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by Wendell E. Jones

**SYNOPSIS AS INTRODUCED:**

70 ILCS 1205/8-23

Amends the Park District Code. Regarding criminal history background investigations of prospective park district job applicants, provides that these investigations are not required for minors under the age of 17 or previously investigated employees rehired within 18 months. Makes other changes. Effective immediately.

LRB093 21107 BDD 47157 b

1 AN ACT concerning the public welfare and safety.

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

4 Section 3. The Park District Code is amended by changing  
5 Section 8-23 as follows:

6 (70 ILCS 1205/8-23)

7 Sec. 8-23. Criminal background investigations.

8 (a) An applicant for employment with a park district is  
9 required as a condition of employment to authorize an  
10 investigation to determine if the applicant has been convicted  
11 of any of the enumerated criminal or drug offenses in  
12 subsection (c) of this Section or has been convicted, within 7  
13 years of the application for employment with the park district,  
14 of any other felony under the laws of this State or of any  
15 offense committed or attempted in any other state or against  
16 the laws of the United States that, if committed or attempted  
17 in this State, would have been punishable as a felony under the  
18 laws of this State. Authorization for the investigation shall  
19 be furnished by the applicant to the park district. Upon  
20 receipt of this authorization, the park district shall submit  
21 the applicant's name, sex, race, date of birth, and social  
22 security number to the Department of State Police on forms  
23 prescribed by the Department of State Police. Upon submission  
24 the ~~The~~ Department of State Police shall conduct a search of  
25 the Illinois criminal history records database to ascertain if  
26 the applicant being considered for employment has been  
27 convicted of committing or attempting to commit any of the  
28 enumerated criminal or drug offenses in subsection (c) of this  
29 Section or has been convicted of committing or attempting to  
30 commit, within 7 years of the application for employment with  
31 the park district, any other felony under the laws of this  
32 State. The Department of State Police shall charge the park

1 district a fee for conducting the investigation, which fee  
2 shall be deposited in the State Police Services Fund and shall  
3 not exceed the cost of the inquiry. The applicant shall not be  
4 charged a fee by the park district for the investigation.

5 (b) If the search of the Illinois criminal history record  
6 database indicates that the applicant has been convicted of  
7 committing or attempting to commit any of the enumerated  
8 criminal or drug offenses in subsection (c) or has been  
9 convicted of committing or attempting to commit, within 7 years  
10 of the application for employment with the park district, any  
11 other felony under the laws of this State, the Department of  
12 State Police and the Federal Bureau of Investigation shall  
13 furnish, pursuant to a fingerprint based background check,  
14 records of convictions, until expunged, to the president of the  
15 park district or his or her designee. Any information  
16 concerning the record of convictions obtained by the president  
17 or his or her designee shall be confidential and may only be  
18 transmitted to those persons who are necessary to the decision  
19 on whether to hire the applicant for employment. A copy of the  
20 record of convictions obtained from the Department of State  
21 Police shall be provided to the applicant for employment. Any  
22 person who releases any confidential information concerning  
23 any criminal convictions of an applicant for employment shall  
24 be guilty of a Class A misdemeanor, unless the release of such  
25 information is authorized by this Section.

26 (c) No park district that has authorized an investigation  
27 shall knowingly employ a person who has been convicted for  
28 committing attempted first degree murder or for committing or  
29 attempting to commit first degree murder, a Class X felony, or  
30 any one or more of the following offenses: (i) those defined in  
31 Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
32 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13,  
33 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961;  
34 (ii) those defined in the Cannabis Control Act, except those  
35 defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii)  
36 those defined in the Illinois Controlled Substances Act; and

1 (iv) any offense committed or attempted in any other state or  
2 against the laws of the United States, which, if committed or  
3 attempted in this State, would have been punishable as one or  
4 more of the foregoing offenses. Further, no park district that  
5 has authorized an investigation shall knowingly employ a person  
6 who has been found to be the perpetrator of sexual or physical  
7 abuse of any minor under 18 years of age pursuant to  
8 proceedings under Article II of the Juvenile Court Act of 1987.  
9 In no event is a park district required to conduct an  
10 investigation on any individual who is (1) under 17 years of  
11 age or (2) an employee rehired within an 18-month period upon  
12 whom an investigation has been previously conducted. No park  
13 district shall knowingly employ a person for whom a criminal  
14 background investigation has not been initiated.

15 (Source: P.A. 93-418, eff. 1-1-04.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.