



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4375

Introduced 1/4/2006, by Rep. Terry R. Parke

SYNOPSIS AS INTRODUCED:

730 ILCS 150/12

820 ILCS 405/1900

from Ch. 48, par. 640

Amends the Sex Offender Registration Act. Provides that the Department of State Police shall have access to State of Illinois databases containing information that may help in the identification or location of persons required to register under the Act, including, but not limited to, information obtained in the course of administering the Unemployment Insurance Act. Amends the Unemployment Insurance Act. Provides that the Director of Employment Security shall make available to the Department of State Police any information concerning the place of employment or former places of employment of a person who is required to register as a sex offender under the Sex Offender Registration Act that may be useful in enforcing the registration provisions requiring a sex offender to disclose his or her place of employment to the law enforcement agency of the jurisdiction in which the sex offender is employed. Effective immediately.

LRB094 15991 RLC 51224 b

1 AN ACT concerning sex offenders.

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

4 Section 5. The Sex Offender Registration Act is amended by
5 changing Section 12 as follows:

6 (730 ILCS 150/12)

7 Sec. 12. Access to State of Illinois databases. The
8 Department of State Police shall have access to State of
9 Illinois databases containing information that may help in the
10 identification or location of persons required to register
11 under this Article, including, but not limited to, information
12 obtained in the course of administering the Unemployment
13 Insurance Act. Interagency agreements shall be implemented,
14 consistent with security and procedures established by the
15 State agency and consistent with the laws governing the
16 confidentiality of the information in the databases.
17 Information shall be used only for administration of this
18 Article.

19 (Source: P.A. 90-193, eff. 7-24-97.)

20 Section 10. The Unemployment Insurance Act is amended by
21 changing Section 1900 as follows:

22 (820 ILCS 405/1900) (from Ch. 48, par. 640)

23 Sec. 1900. Disclosure of information.

24 A. Except as provided in this Section, information obtained
25 from any individual or employing unit during the administration
26 of this Act shall:

- 27 1. be confidential,
- 28 2. not be published or open to public inspection,
- 29 3. not be used in any court in any pending action or
30 proceeding,

1 4. not be admissible in evidence in any action or
2 proceeding other than one arising out of this Act.

3 B. No finding, determination, decision, ruling or order
4 (including any finding of fact, statement or conclusion made
5 therein) issued pursuant to this Act shall be admissible or
6 used in evidence in any action other than one arising out of
7 this Act, nor shall it be binding or conclusive except as
8 provided in this Act, nor shall it constitute res judicata,
9 regardless of whether the actions were between the same or
10 related parties or involved the same facts.

11 C. Any officer or employee of this State, any officer or
12 employee of any entity authorized to obtain information
13 pursuant to this Section, and any agent of this State or of
14 such entity who, except with authority of the Director under
15 this Section, shall disclose information shall be guilty of a
16 Class B misdemeanor and shall be disqualified from holding any
17 appointment or employment by the State.

18 D. An individual or his duly authorized agent may be
19 supplied with information from records only to the extent
20 necessary for the proper presentation of his claim for benefits
21 or with his existing or prospective rights to benefits.
22 Discretion to disclose this information belongs solely to the
23 Director and is not subject to a release or waiver by the
24 individual. Notwithstanding any other provision to the
25 contrary, an individual or his or her duly authorized agent may
26 be supplied with a statement of the amount of benefits paid to
27 the individual during the 18 months preceding the date of his
28 or her request.

29 E. An employing unit may be furnished with information,
30 only if deemed by the Director as necessary to enable it to
31 fully discharge its obligations or safeguard its rights under
32 the Act. Discretion to disclose this information belongs solely
33 to the Director and is not subject to a release or waiver by
34 the employing unit.

35 F. The Director may furnish any information that he may
36 deem proper to any public officer or public agency of this or

1 any other State or of the federal government dealing with:

- 2 1. the administration of relief,
- 3 2. public assistance,
- 4 3. unemployment compensation,
- 5 4. a system of public employment offices,
- 6 5. wages and hours of employment, or
- 7 6. a public works program.

8 The Director may make available to the Illinois Workers'
9 Compensation Commission information regarding employers for
10 the purpose of verifying the insurance coverage required under
11 the Workers' Compensation Act and Workers' Occupational
12 Diseases Act.

13 G. The Director may disclose information submitted by the
14 State or any of its political subdivisions, municipal
15 corporations, instrumentalities, or school or community
16 college districts, except for information which specifically
17 identifies an individual claimant.

18 H. The Director shall disclose only that information
19 required to be disclosed under Section 303 of the Social
20 Security Act, as amended, including:

- 21 1. any information required to be given the United
22 States Department of Labor under Section 303(a)(6); and
- 23 2. the making available upon request to any agency of
24 the United States charged with the administration of public
25 works or assistance through public employment, the name,
26 address, ordinary occupation and employment status of each
27 recipient of unemployment compensation, and a statement of
28 such recipient's right to further compensation under such
29 law as required by Section 303(a)(7); and
- 30 3. records to make available to the Railroad Retirement
31 Board as required by Section 303(c)(1); and
- 32 4. information that will assure reasonable cooperation
33 with every agency of the United States charged with the
34 administration of any unemployment compensation law as
35 required by Section 303(c)(2); and
- 36 5. information upon request and on a reimbursable basis

1 to the United States Department of Agriculture and to any
2 State food stamp agency concerning any information
3 required to be furnished by Section 303(d); and

4 6. any wage information upon request and on a
5 reimbursable basis to any State or local child support
6 enforcement agency required by Section 303(e); and

7 7. any information required under the income
8 eligibility and verification system as required by Section
9 303(f); and

10 8. information that might be useful in locating an
11 absent parent or that parent's employer, establishing
12 paternity or establishing, modifying, or enforcing child
13 support orders for the purpose of a child support
14 enforcement program under Title IV of the Social Security
15 Act upon the request of and on a reimbursable basis to the
16 public agency administering the Federal Parent Locator
17 Service as required by Section 303(h); and

18 9. information, upon request, to representatives of
19 any federal, State or local governmental public housing
20 agency with respect to individuals who have signed the
21 appropriate consent form approved by the Secretary of
22 Housing and Urban Development and who are applying for or
23 participating in any housing assistance program
24 administered by the United States Department of Housing and
25 Urban Development as required by Section 303(i).

26 I. The Director, upon the request of a public agency of
27 Illinois, of the federal government or of any other state
28 charged with the investigation or enforcement of Section 10-5
29 of the Criminal Code of 1961 (or a similar federal law or
30 similar law of another State), may furnish the public agency
31 information regarding the individual specified in the request
32 as to:

33 1. the current or most recent home address of the
34 individual, and

35 2. the names and addresses of the individual's
36 employers.

1 J. Nothing in this Section shall be deemed to interfere
2 with the disclosure of certain records as provided for in
3 Section 1706 or with the right to make available to the
4 Internal Revenue Service of the United States Department of the
5 Treasury, or the Department of Revenue of the State of
6 Illinois, information obtained under this Act.

7 K. The Department shall make available to the Illinois
8 Student Assistance Commission, upon request, information in
9 the possession of the Department that may be necessary or
10 useful to the Commission in the collection of defaulted or
11 delinquent student loans which the Commission administers.

12 L. The Department shall make available to the State
13 Employees' Retirement System, the State Universities
14 Retirement System, and the Teachers' Retirement System of the
15 State of Illinois, upon request, information in the possession
16 of the Department that may be necessary or useful to the System
17 for the purpose of determining whether any recipient of a
18 disability benefit from the System is gainfully employed.

19 M. This Section shall be applicable to the information
20 obtained in the administration of the State employment service,
21 except that the Director may publish or release general labor
22 market information and may furnish information that he may deem
23 proper to an individual, public officer or public agency of
24 this or any other State or the federal government (in addition
25 to those public officers or public agencies specified in this
26 Section) as he prescribes by Rule.

27 N. The Director may require such safeguards as he deems
28 proper to insure that information disclosed pursuant to this
29 Section is used only for the purposes set forth in this
30 Section.

31 O. (Blank).

32 P. Within 30 days after the effective date of this
33 amendatory Act of 1993 and annually thereafter, the Department
34 shall provide to the Department of Financial Institutions a
35 list of individuals or entities that, for the most recently
36 completed calendar year, report to the Department as paying

1 wages to workers. The lists shall be deemed confidential and
2 may not be disclosed to any other person.

3 Q. The Director shall make available to an elected federal
4 official the name and address of an individual or entity that
5 is located within the jurisdiction from which the official was
6 elected and that, for the most recently completed calendar
7 year, has reported to the Department as paying wages to
8 workers, where the information will be used in connection with
9 the official duties of the official and the official requests
10 the information in writing, specifying the purposes for which
11 it will be used. For purposes of this subsection, the use of
12 information in connection with the official duties of an
13 official does not include use of the information in connection
14 with the solicitation of contributions or expenditures, in
15 money or in kind, to or on behalf of a candidate for public or
16 political office or a political party or with respect to a
17 public question, as defined in Section 1-3 of the Election
18 Code, or in connection with any commercial solicitation. Any
19 elected federal official who, in submitting a request for
20 information covered by this subsection, knowingly makes a false
21 statement or fails to disclose a material fact, with the intent
22 to obtain the information for a purpose not authorized by this
23 subsection, shall be guilty of a Class B misdemeanor.

24 R. The Director may provide to any State or local child
25 support agency, upon request and on a reimbursable basis,
26 information that might be useful in locating an absent parent
27 or that parent's employer, establishing paternity, or
28 establishing, modifying, or enforcing child support orders.

29 S. The Department shall make available to a State's
30 Attorney of this State or a State's Attorney's investigator,
31 upon request, the current address or, if the current address is
32 unavailable, current employer information, if available, of a
33 victim of a felony or a witness to a felony or a person against
34 whom an arrest warrant is outstanding.

35 T. The Director shall make available to the Department of
36 State Police any information concerning the place of employment

1 or former places of employment of a person who is required to
2 register as a sex offender under the Sex Offender Registration
3 Act that may be useful in enforcing the registration provisions
4 requiring a sex offender to disclose his or her place of
5 employment to the law enforcement agency of the jurisdiction in
6 which the sex offender is employed.

7 (Source: P.A. 93-311, eff. 1-1-04; 93-721, eff. 1-1-05.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.