



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4020

Introduced 2/26/2009, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

70 ILCS 1505/16a-5

Amends the Chicago Park District Act. In a Section concerning criminal background investigations for employment with the Chicago Park District, provides that the Chicago Park District shall submit an applicant's personal information to the Federal Bureau of Investigation (now, Department of State Police). Provides that the Federal Bureau of Investigation shall conduct a search of their criminal history record information database to determine if an applicant has been convicted of specified offenses (now, Department of State Police). Makes other changes. Effective January 1, 2010.

LRB096 10805 RLJ 21018 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Chicago Park District Act is amended by
5 changing Section 16a-5 as follows:

6 (70 ILCS 1505/16a-5)

7 Sec. 16a-5. Criminal background investigations.

8 (a) An applicant for employment with the Chicago Park
9 District is required as a condition of employment to authorize
10 an investigation to determine if the applicant has been
11 convicted 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 Chicago Park
14 District, of any other felony under the laws of this State or
15 of any offense committed or attempted in any other state or
16 against the laws of the United States that, if committed or
17 attempted in this State, would have been punishable as a felony
18 under the laws of this State. Authorization for the
19 investigation shall be furnished by the applicant to the
20 Chicago Park District. Upon receipt of this authorization, the
21 Chicago Park District shall submit the applicant's name, sex,
22 race, date of birth, and social security number to the Federal
23 Bureau of Investigation ~~Department of State Police~~ on forms

1 prescribed by the Federal Bureau of Investigation ~~Department of~~
2 ~~State Police~~. The Federal Bureau of Investigation ~~Department of~~
3 ~~State Police~~ shall conduct a search of its ~~the Illinois~~
4 criminal history record information database to ascertain if
5 the applicant being considered for employment has been
6 convicted of committing or attempting to commit any of the
7 enumerated criminal or drug offenses in subsection (c) of this
8 Section or has been convicted, of committing or attempting to
9 commit within 7 years of the application for employment with
10 the Chicago Park District, any other felony under the laws of
11 this State. The Federal Bureau of Investigation ~~Department of~~
12 ~~State Police~~ shall charge ~~the Chicago Park District~~ a fee for
13 conducting the investigation, ~~which fee shall be deposited in~~
14 ~~the State Police Services Fund~~ and the fee shall not exceed the
15 cost of the inquiry. ~~The applicant shall not be charged a fee~~
16 ~~by the Chicago Park District for the investigation.~~

17 (b) If the search of the Federal Bureau of Investigation
18 ~~Illinois~~ criminal history record database indicates that the
19 applicant has been convicted of committing or attempting to
20 commit any of the enumerated criminal or drug offenses in
21 subsection (c) or has been convicted of committing or
22 attempting to commit, within 7 years of the application for
23 employment with the Chicago Park District, any other felony
24 under the laws of this State, ~~the Department of State Police~~
25 ~~and~~ the Federal Bureau of Investigation shall furnish, pursuant
26 to a fingerprint based background check, records of

1 convictions, until expunged, to the General Superintendent ~~and~~
2 ~~Chief Executive Officer~~ of the Chicago Park District or his or
3 her designee. Any information concerning the record of
4 convictions obtained by the General Superintendent or his or
5 her designee ~~and Chief Executive Officer~~ shall be confidential
6 and may only be transmitted to those persons who are necessary
7 to the decision on whether to hire the applicant for
8 employment. A copy of the record of convictions obtained from
9 the Federal Bureau of Investigation ~~Department of State Police~~
10 shall be provided to the applicant for employment. Any person
11 who releases any confidential information concerning any
12 criminal convictions of an applicant for employment shall be
13 guilty of a Class A misdemeanor, unless the release of such
14 information is authorized by this Section.

15 (c) The Chicago Park District may not knowingly employ a
16 person who has been convicted for committing attempted first
17 degree murder or for committing or attempting to commit first
18 degree murder, a Class X felony, or any one or more of the
19 following offenses: (i) those defined in Sections 11-6, 11-9,
20 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
21 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15,
22 and 12-16 of the Criminal Code of 1961; (ii) those defined in
23 the Cannabis Control Act, except those defined in Sections
24 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the
25 Illinois Controlled Substances Act; (iv) those defined in the
26 Methamphetamine Control and Community Protection Act; and (v)

1 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, the Chicago Park
5 District may not knowingly employ a person who has been found
6 to be the perpetrator of sexual or physical abuse of any minor
7 under 18 years of age pursuant to proceedings under Article II
8 of the Juvenile Court Act of 1987. The Chicago Park District
9 may not knowingly employ a person for whom a criminal
10 background investigation has not been initiated.

11 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2010.