



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5934

Introduced 2/10/2010, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

70 ILCS 1205/8-23
70 ILCS 1505/16a-5

Amends the Park District Code and the Chicago Park District Act. Provides that no park district may discharge any employee of a park district or deny any applicant employment at a park district on the basis of a prior conviction for a cannabis offense if certain requirements are met. Effective immediately.

LRB096 16082 RLJ 31331 b

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 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. The Department of

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

14 (b) If the search of the Illinois criminal history record
15 database indicates that the applicant has been convicted of
16 committing or attempting to commit any of the enumerated
17 criminal or drug offenses in subsection (c) or has been
18 convicted of committing or attempting to commit, within 7 years
19 of the application for employment with the park district, any
20 other felony under the laws of this State, the Department of
21 State Police and the Federal Bureau of Investigation shall
22 furnish, pursuant to a fingerprint based background check,
23 records of convictions, until expunged, to the president of the
24 park district. Any information concerning the record of
25 convictions obtained by the president shall be confidential and
26 may only be transmitted to those persons who are necessary to

1 the decision on whether to hire the applicant for employment. A
2 copy of the record of convictions obtained from the Department
3 of State Police shall be provided to the applicant for
4 employment. Any person who releases any confidential
5 information concerning any criminal convictions of an
6 applicant for employment shall be guilty of a Class A
7 misdemeanor, unless the release of such information is
8 authorized by this Section.

9 (c) No park district shall knowingly employ a person who
10 has been convicted for committing attempted first degree murder
11 or for committing or attempting to commit first degree murder,
12 a Class X felony, or any one or more of the following offenses:
13 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
14 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
15 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the
16 Criminal Code of 1961; (ii) those defined in the Cannabis
17 Control Act, except those defined in Sections 4(a), 4(b), and
18 5(a) of that Act; (iii) those defined in the Illinois
19 Controlled Substances Act; (iv) those defined in the
20 Methamphetamine Control and Community Protection Act; and (v)
21 any offense committed or attempted in any other state or
22 against the laws of the United States, which, if committed or
23 attempted in this State, would have been punishable as one or
24 more of the foregoing offenses. Further, no park district shall
25 knowingly employ a person who has been found to be the
26 perpetrator of sexual or physical abuse of any minor under 18

1 years of age pursuant to proceedings under Article II of the
2 Juvenile Court Act of 1987. No park district shall knowingly
3 employ a person for whom a criminal background investigation
4 has not been initiated.

5 (d) Notwithstanding subsection (c), no park district may
6 discharge any employee of a park district or deny any applicant
7 employment at a park district on the basis of a prior
8 conviction for a drug offense if all of the following
9 requirements are met:

10 (1) the applicant was not sentenced to a period of
11 incarceration as a result of his or her drug conviction;

12 (2) the applicant was convicted of violating the
13 Cannabis Control Act; and

14 (3) the applicant meets all other requirements and
15 qualifications to be employed by the park district under
16 this Act and under the park district's administrative
17 rules.

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

19 Section 10. The Chicago Park District Act is amended by
20 changing Section 16a-5 as follows:

21 (70 ILCS 1505/16a-5)

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

23 (a) An applicant for employment with the Chicago Park
24 District is required as a condition of employment to authorize

1 an investigation to determine if the applicant has been
2 convicted of any of the enumerated criminal or drug offenses in
3 subsection (c) of this Section or has been convicted, within 7
4 years of the application for employment with the Chicago Park
5 District, of any other felony under the laws of this State or
6 of any offense committed or attempted in any other state or
7 against the laws of the United States that, if committed or
8 attempted in this State, would have been punishable as a felony
9 under the laws of this State. Authorization for the
10 investigation shall be furnished by the applicant to the
11 Chicago Park District. Upon receipt of this authorization, the
12 Chicago Park District shall submit the applicant's name, sex,
13 race, date of birth, and social security number to the
14 Department of State Police on forms prescribed by the
15 Department of State Police. The Department of State Police
16 shall conduct a search of the Illinois criminal history record
17 information database to ascertain if the applicant being
18 considered for employment has been convicted of committing or
19 attempting to commit any of the enumerated criminal or drug
20 offenses in subsection (c) of this Section or has been
21 convicted, of committing or attempting to commit within 7 years
22 of the application for employment with the Chicago Park
23 District, any other felony under the laws of this State. The
24 Department of State Police shall charge the Chicago Park
25 District a fee for conducting the investigation, which fee
26 shall be deposited in the State Police Services Fund and shall

1 not exceed the cost of the inquiry. The applicant shall not be
2 charged a fee by the Chicago Park District for the
3 investigation.

4 (b) If the search of the Illinois criminal history record
5 database indicates that the applicant has been convicted of
6 committing or attempting to commit any of the enumerated
7 criminal or drug offenses in subsection (c) or has been
8 convicted of committing or attempting to commit, within 7 years
9 of the application for employment with the Chicago Park
10 District, any other felony under the laws of this State, the
11 Department of State Police and the Federal Bureau of
12 Investigation shall furnish, pursuant to a fingerprint based
13 background check, records of convictions, until expunged, to
14 the General Superintendent and Chief Executive Officer of the
15 Chicago Park District. Any information concerning the record of
16 convictions obtained by the General Superintendent and Chief
17 Executive Officer 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) The Chicago Park District may not knowingly employ a

1 person who has been convicted for committing attempted first
2 degree murder or for committing or attempting to commit first
3 degree murder, a Class X felony, or any one or more of the
4 following offenses: (i) those defined in Sections 11-6, 11-9,
5 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
6 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15,
7 and 12-16 of the Criminal Code of 1961; (ii) those defined in
8 the Cannabis Control Act, except those defined in Sections
9 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the
10 Illinois Controlled Substances Act; (iv) those defined in the
11 Methamphetamine Control and Community Protection Act; and (v)
12 any offense committed or attempted in any other state or
13 against the laws of the United States, which, if committed or
14 attempted in this State, would have been punishable as one or
15 more of the foregoing offenses. Further, the Chicago Park
16 District may not knowingly employ a person who has been found
17 to be the perpetrator of sexual or physical abuse of any minor
18 under 18 years of age pursuant to proceedings under Article II
19 of the Juvenile Court Act of 1987. The Chicago Park District
20 may not knowingly employ a person for whom a criminal
21 background investigation has not been initiated.

22 (d) Notwithstanding subsection (c), the Chicago Park
23 District may not discharge any employee of the park district or
24 deny any applicant employment at the park district on the basis
25 of a prior conviction for a drug offense if all of the
26 following requirements are met:

1 (1) the applicant was not sentenced to a period of
2 incarceration as a result of his or her drug conviction;

3 (2) the applicant was convicted of violating the
4 Cannabis Control Act; and

5 (3) the applicant meets all other requirements and
6 qualifications to be employed by the park district under
7 this Act and under the park district's administrative
8 rules.

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

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