

1 AN ACT concerning State government.

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

4 Section 2. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-186 as follows:

7 (20 ILCS 2310/2310-186 new)

8 Sec. 2310-186. Criminal history record checks; task force.
9 The Department of Public Health in collaboration with the
10 Department of State Police shall create a task force to examine
11 the process used by State and local governmental agencies to
12 conduct criminal history record checks as a condition of
13 employment or approval to render provider services to such an
14 agency.

15 The task force shall be comprised of representatives from
16 State and local agencies that require an applicant to undergo a
17 fingerprint-based criminal history record check pursuant to
18 State or federal law or agencies that are contemplating such a
19 requirement. The task force shall include but need not be
20 limited to representatives from the Department of State Police,
21 the Illinois Criminal Justice Information Authority, the
22 Department of Children and Family Services, the Department of
23 Central Management Services, the Department of Healthcare and

1 Family Services, the Department of Financial and Professional
2 Regulation, the Department of Public Health, the Department of
3 Human Services, the Office of the Secretary of State, the
4 Illinois State Board of Education (whose representative or
5 representatives shall consult with the Regional Offices of
6 Education and representatives of 2 statewide teachers unions, a
7 statewide organization representing school principals, a
8 statewide school administrators organization, and school bus
9 companies), a large regional park district, and at least 2
10 statewide non-governmental, non-profit multi-issue advocacy
11 organizations to represent the interests of prospective
12 employers. The task force shall be chaired by 2
13 co-chairpersons, one appointed by the Director of Public Health
14 and the other appointed by the Director of State Police. The
15 task force members shall be appointed within 30 days after the
16 effective date of this amendatory Act of the 96th General
17 Assembly. The Department of Public Health and the Department of
18 State Police shall jointly provide administrative and staff
19 support to the task force as needed.

20 The task force shall review and make recommendations to
21 create a more centralized and coordinated process for
22 conducting criminal history record checks in order to reduce
23 duplication of effort and make better use of resources and more
24 efficient use of taxpayer dollars.

25 The task force shall provide a plan to revise the criminal
26 history record check process to the General Assembly by

1 February 1, 2010. The plan shall address the following issues:

2 (1) Identification of any areas of concern that have
3 been identified by stakeholders and task force members
4 regarding State or federally mandated criminal history
5 record checks.

6 (2) Evaluation of the feasibility of using an
7 applicant's initial criminal history record information
8 results for subsequent employment or licensing screening
9 purposes while protecting the confidentiality of the
10 applicant.

11 (3) Evaluation of the feasibility of centralizing the
12 screening of criminal history record information inquiry
13 responses.

14 (4) Identification and evaluation of existing
15 technologies that could be utilized to eliminate the need
16 for a subsequent fingerprint inquiry each time an applicant
17 changes employment or seeks a license requiring a criminal
18 history record inquiry.

19 (5) Identification of any areas where State or
20 federally mandated criminal history record checks can be
21 implemented in a more efficient and cost-effective manner.

22 (6) Evaluation of what other states and the federal
23 government are doing to address similar concerns.

24 (7) Identification of programs serving vulnerable
25 populations that do not currently require criminal history
26 record information to determine whether those programs

1 should be included in a centralized screening of criminal
2 history record information.

3 (8) Identification of any issues that agencies face in
4 interpreting criminal history records, such as
5 differentiating among types of dispositions, and
6 evaluation of how those records can be presented in a
7 format better tailored to non-law enforcement purposes.

8 (9) Ensuring that any centralized criminal history
9 records system discloses sealed criminal history records
10 only to those agencies authorized to receive those records
11 under Illinois law.

12 (10) Evaluation of the feasibility of instating a
13 process whereby agencies provide copies of the criminal
14 background check to applicants for the purpose of providing
15 applicants with the opportunity to assess the accuracy of
16 the records.

17 (11) Evaluation of the feasibility of adopting a
18 uniform procedure for obtaining disposition information
19 where an arrest or criminal charge is reported without
20 subsequent disposition.

21 (12) Preparation of a report for the General Assembly
22 proposing solutions that can be adopted to eliminate the
23 duplication of applicant fingerprint submissions and the
24 duplication of criminal records check response screening
25 efforts and to minimize the costs of conducting State and
26 FBI fingerprint-based inquiries in Illinois.

1 Section 5. The Illinois Public Aid Code is amended by
2 changing Section 9A-11.5 as follows:

3 (305 ILCS 5/9A-11.5)

4 Sec. 9A-11.5. Investigate child care providers.

5 (a) Any child care provider receiving funds from the child
6 care assistance program under this Code who is not required to
7 be licensed under the Child Care Act of 1969 shall, as a
8 condition of eligibility to participate in the child care
9 assistance program under this Code, authorize in writing on a
10 form prescribed by the Department of Children and Family
11 Services, periodic investigations of the Central Register, as
12 defined in the Abused and Neglected Child Reporting Act, to
13 ascertain if the child care provider has been determined to be
14 a perpetrator in an indicated report of child abuse or neglect.
15 The Department of Children and Family Services shall conduct an
16 investigation of the Central Register at the request of the
17 Department. ~~The Department shall request the Department of~~
18 ~~Children and Family Services to conduct periodic~~
19 ~~investigations of the Central Register.~~

20 (b) Any child care provider, other than a relative of the
21 child, receiving funds from the child care assistance program
22 under this Code who is not required to be licensed under the
23 Child Care Act of 1969 shall, as a condition of eligibility to
24 participate in the child care assistance program under this

1 Code, authorize in writing a fingerprint-based criminal
2 history record check to determine if the child care provider
3 has ever been convicted of a crime with respect to which the
4 conviction has not been overturned and the criminal records
5 have not been sealed or expunged. Upon this authorization, the
6 Department shall request and receive information and
7 assistance from any federal or State governmental agency as
8 part of the authorized criminal history record check. The
9 Department of State Police shall provide information
10 concerning any conviction that has not been overturned and with
11 respect to which the criminal records have not been sealed or
12 expunged, whether the conviction occurred before or on or after
13 the effective date of this amendatory Act of the 96th General
14 Assembly, of a child care provider upon the request of the
15 Department when the request is made in the form and manner
16 required by the Department of State Police. Any information
17 concerning convictions that have not been overturned and with
18 respect to which the criminal records have not been sealed or
19 expunged obtained by the Department is confidential and may not
20 be transmitted (i) outside the Department except as required in
21 this Section or (ii) to anyone within the Department except as
22 needed for the purposes of determining participation in the
23 child care assistance program. A copy of the criminal history
24 record check obtained from the Department of State Police shall
25 be provided to the unlicensed child care provider.

26 (c) The Department shall by rule determine when payment to

1 an unlicensed child care provider may be withheld if there is
2 an indicated finding against the provider based on the results
3 of the Central Register search, or a disqualifying criminal
4 conviction that has not been overturned and with respect to
5 which the criminal records have not been sealed or expunged
6 based on the results of the fingerprint-based criminal history
7 record check obtained by the Department ~~in the Central~~
8 ~~Register.~~ Only information and standards which bear a
9 reasonable and rational relation to the performance of a child
10 care provider shall be used by the Department.

11 (Source: P.A. 92-825, eff. 8-21-02.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.