

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

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

1       The task force shall provide a plan to revise the criminal  
2 history record check process to the General Assembly by January  
3 1, 2011. The plan shall address the following issues:

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

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

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

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

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

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

26           (7) Identification of programs serving vulnerable

1 populations that do not currently require criminal history  
2 record information to determine whether those programs  
3 should be included in a centralized screening of criminal  
4 history record information.

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

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

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

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

23 (12) Preparation of a report for the General Assembly  
24 proposing solutions that can be adopted to eliminate the  
25 duplication of applicant fingerprint submissions and the  
26 duplication of criminal records check response screening

1 efforts and to minimize the costs of conducting State and  
2 FBI fingerprint-based inquiries in Illinois.

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

5 (305 ILCS 5/9A-11.5)

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

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

22 (b) Any child care provider, other than a relative of the  
23 child, receiving funds from the child care assistance program  
24 under this Code who is not required to be licensed under the

1 Child Care Act of 1969 shall, as a condition of eligibility to  
2 participate in the child care assistance program under this  
3 Code, authorize in writing a State and Federal Bureau of  
4 Investigation fingerprint-based criminal history record check  
5 to determine if the child care provider has ever been convicted  
6 of a crime with respect to which the conviction has not been  
7 overturned and the criminal records have not been sealed or  
8 expunged. Upon this authorization, the Department shall  
9 request and receive information and assistance from any federal  
10 or State governmental agency as part of the authorized criminal  
11 history record check. The Department of State Police shall  
12 provide information concerning any conviction that has not been  
13 overturned and with respect to which the criminal records have  
14 not been sealed or expunged, whether the conviction occurred  
15 before or on or after the effective date of this amendatory Act  
16 of the 96th General Assembly, of a child care provider upon the  
17 request of the Department when the request is made in the form  
18 and manner required by the Department of State Police. The  
19 Department of State Police shall charge a fee not to exceed the  
20 cost of processing the criminal history record check. The fee  
21 is to be deposited into the State Police Services Fund. Any  
22 information concerning convictions that have not been  
23 overturned and with respect to which the criminal records have  
24 not been sealed or expunged obtained by the Department is  
25 confidential and may not be transmitted (i) outside the  
26 Department except as required in this Section or (ii) to anyone

1 within the Department except as needed for the purposes of  
2 determining participation in the child care assistance  
3 program. A copy of the criminal history record check obtained  
4 from the Department of State Police shall be provided to the  
5 unlicensed child care provider.

6 (c) The Department shall by rule set standards for  
7 determining when to disqualify an unlicensed child care  
8 provider for payment because (i) there is an indicated finding  
9 against the provider based on the results of the Central  
10 Register search or (ii) there is a disqualifying criminal  
11 charge pending against the provider or the provider has a  
12 disqualifying criminal conviction that has not been overturned  
13 and with respect to which the criminal records have not been  
14 expunged or sealed based on the results of the  
15 fingerprint-based Department of State Police and Federal  
16 Bureau of Investigation criminal history record check. In  
17 determining whether to disqualify an unlicensed child care  
18 provider for payment under this subsection, the Department  
19 shall consider the nature and gravity of any offense or  
20 offenses; the time that has passed since the offense or  
21 offenses or the completion of the criminal sentence or both;  
22 and the relationship of the offense or offenses to the  
23 responsibilities of the child care provider ~~determine when~~  
24 ~~payment to an unlicensed child care provider may be withheld if~~  
25 ~~there is an indicated finding against the provider in the~~  
26 Central Register.

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

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.