

HB0423



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0423

Introduced 01/31/11, by Rep. Michael J. Madigan

SYNOPSIS AS INTRODUCED:

20 ILCS 2635/3

from Ch. 38, par. 1603

Amends the Illinois Uniform Conviction Information Act. Makes a technical change in a Section concerning definitions.

LRB097 03916 RLJ 43955 b

A BILL FOR

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 5. The Illinois Uniform Conviction Information Act
5 is amended by changing Section 3 as follows:

6 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

7 Sec. 3. Definitions. Whenever used in this Act, and ~~and~~ for
8 the purposes of this Act, unless the context clearly indicates
9 otherwise:

10 (A) "Accurate" means factually correct, containing no
11 mistake or error of a material nature.

12 (B) The phrase "administer the criminal laws" includes any
13 of the following activities: intelligence gathering,
14 surveillance, criminal investigation, crime detection and
15 prevention (including research), apprehension, detention,
16 pretrial or post-trial release, prosecution, the correctional
17 supervision or rehabilitation of accused persons or criminal
18 offenders, criminal identification activities, or the
19 collection, maintenance or dissemination of criminal history
20 record information.

21 (C) "The Authority" means the Illinois Criminal Justice
22 Information Authority.

23 (D) "Automated" means the utilization of computers,

1 telecommunication lines, or other automatic data processing
2 equipment for data collection or storage, analysis,
3 processing, preservation, maintenance, dissemination, or
4 display and is distinguished from a system in which such
5 activities are performed manually.

6 (E) "Complete" means accurately reflecting all the
7 criminal history record information about an individual that is
8 required to be reported to the Department pursuant to Section
9 2.1 of the Criminal Identification Act.

10 (F) "Conviction information" means data reflecting a
11 judgment of guilt or nolo contendere. The term includes all
12 prior and subsequent criminal history events directly relating
13 to such judgments, such as, but not limited to: (1) the
14 notation of arrest; (2) the notation of charges filed; (3) the
15 sentence imposed; (4) the fine imposed; and (5) all related
16 probation, parole, and release information. Information ceases
17 to be "conviction information" when a judgment of guilt is
18 reversed or vacated.

19 For purposes of this Act, continuances to a date certain in
20 furtherance of an order of supervision granted under Section
21 5-6-1 of the Unified Code of Corrections or an order of
22 probation granted under either Section 10 of the Cannabis
23 Control Act, Section 410 of the Illinois Controlled Substances
24 Act, Section 70 of the Methamphetamine Control and Community
25 Protection Act, Section 12-4.3 of the Criminal Code of 1961,
26 Section 10-102 of the Illinois Alcoholism and Other Drug

1 Dependency Act, Section 40-10 of the Alcoholism and Other Drug
2 Abuse and Dependency Act, or Section 10 of the Steroid Control
3 Act shall not be deemed "conviction information".

4 (G) "Criminal history record information" means data
5 identifiable to an individual and consisting of descriptions or
6 notations of arrests, detentions, indictments, informations,
7 pretrial proceedings, trials, or other formal events in the
8 criminal justice system or descriptions or notations of
9 criminal charges (including criminal violations of local
10 municipal ordinances) and the nature of any disposition arising
11 therefrom, including sentencing, court or correctional
12 supervision, rehabilitation and release. The term does not
13 apply to statistical records and reports in which individual
14 are not identified and from which their identities are not
15 ascertainable, or to information that is for criminal
16 investigative or intelligence purposes.

17 (H) "Criminal justice agency" means (1) a government agency
18 or any subunit thereof which is authorized to administer the
19 criminal laws and which allocates a substantial part of its
20 annual budget for that purpose, or (2) an agency supported by
21 public funds which is authorized as its principal function to
22 administer the criminal laws and which is officially designated
23 by the Department as a criminal justice agency for purposes of
24 this Act.

25 (I) "The Department" means the Illinois Department of State
26 Police.

1 (J) "Director" means the Director of the Illinois
2 Department of State Police.

3 (K) "Disseminate" means to disclose or transmit conviction
4 information in any form, oral, written, or otherwise.

5 (L) "Exigency" means pending danger or the threat of
6 pending danger to an individual or property.

7 (M) "Non-criminal justice agency" means a State agency,
8 Federal agency, or unit of local government that is not a
9 criminal justice agency. The term does not refer to private
10 individuals, corporations, or non-governmental agencies or
11 organizations.

12 (M-5) "Request" means the submission to the Department, in
13 the form and manner required, the necessary data elements or
14 fingerprints, or both, to allow the Department to initiate a
15 search of its criminal history record information files.

16 (N) "Requester" means any private individual, corporation,
17 organization, employer, employment agency, labor organization,
18 or non-criminal justice agency that has made a request pursuant
19 to this Act to obtain conviction information maintained in the
20 files of the Department of State Police regarding a particular
21 individual.

22 (O) "Statistical information" means data from which the
23 identity of an individual cannot be ascertained,
24 reconstructed, or verified and to which the identity of an
25 individual cannot be linked by the recipient of the
26 information.

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