



Rep. Elizabeth Hernandez

Filed: 5/11/2012

09700SB3458ham001

LRB097 17386 MRW 69513 a

1 AMENDMENT TO SENATE BILL 3458

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3458 on page 1, by  
3 replacing lines 4 and 5 with the following:

4 "Section 3. The Department of State Police Law of the Civil  
5 Administrative Code of Illinois is amended by adding Section  
6 2605-345 as follows:

7 (20 ILCS 2605/2605-345 new)

8 Sec. 2605-345. Conviction information for financial  
9 institutions. Upon the request of (i) an insured depository  
10 institution, as defined by the Federal Deposit Insurance  
11 Corporation Act, (ii) a depository institution holding  
12 company, as defined by the Federal Deposit Insurance  
13 Corporation Act, (iii) a foreign banking corporation, as  
14 defined by the Foreign Banking Office Act, (iv) a corporate  
15 fiduciary, as defined by the Corporate Fiduciary Act, (v) a  
16 credit union, as defined in the Illinois Credit Union Act, or

1 (vi) a subsidiary of any entity listed in items (i) through (v)  
2 of this Section (each such entity or subsidiary hereinafter  
3 referred to as a "requesting institution"), to ascertain  
4 whether any employee of the requesting institution, applicant  
5 for employment by the requesting institution, or officer,  
6 director, agent, institution-affiliated party, or any other  
7 party who owns or controls, directly or indirectly, or  
8 participates, directly or indirectly, in the affairs of the  
9 requesting institution, has been convicted of a felony or of  
10 any criminal offense relating to dishonesty, breach of trust,  
11 or money laundering, the Department shall furnish the  
12 conviction information to the requesting institution.

13 Section 5. The Criminal Identification Act is amended by  
14 changing Sections 3, 5.2, and 13 as follows:

15 (20 ILCS 2630/3) (from Ch. 38, par. 206-3)

16 Sec. 3. Information to be furnished peace officers and  
17 commanding officers of certain military installations in  
18 Illinois.

19 (A) The Department shall file or cause to be filed all  
20 plates, photographs, outline pictures, measurements,  
21 descriptions and information which shall be received by it by  
22 virtue of its office and shall make a complete and systematic  
23 record and index of the same, providing thereby a method of  
24 convenient reference and comparison. The Department shall

1 furnish, upon application, all information pertaining to the  
2 identification of any person or persons, a plate, photograph,  
3 outline picture, description, measurements, or any data of  
4 which there is a record in its office. Such information shall  
5 be furnished to peace officers of the United States, of other  
6 states or territories, of the Insular possessions of the United  
7 States, of foreign countries duly authorized to receive the  
8 same, to all peace officers of the State of Illinois, to  
9 investigators of the Illinois Law Enforcement Training  
10 Standards Board and, conviction information only, to units of  
11 local government, school districts and private organizations,  
12 under the provisions of Section 2605-10, 2605-15, 2605-75,  
13 2605-100, 2605-105, 2605-110, 2605-115, 2605-120, 2605-130,  
14 2605-140, 2605-190, 2605-200, 2605-205, 2605-210, 2605-215,  
15 2605-250, 2605-275, 2605-300, 2605-305, 2605-315, 2605-325,  
16 2605-335, 2605-340, 2605-345, 2605-350, 2605-355, 2605-360,  
17 2605-365, 2605-375, 2605-390, 2605-400, 2605-405, 2605-420,  
18 2605-430, 2605-435, 2605-500, 2605-525, or 2605-550 of the  
19 Department of State Police Law (20 ILCS 2605/2605-10,  
20 2605/2605-15, 2605/2605-75, 2605/2605-100, 2605/2605-105,  
21 2605/2605-110, 2605/2605-115, 2605/2605-120, 2605/2605-130,  
22 2605/2605-140, 2605/2605-190, 2605/2605-200, 2605/2605-205,  
23 2605/2605-210, 2605/2605-215, 2605/2605-250, 2605/2605-275,  
24 2605/2605-300, 2605/2605-305, 2605/2605-315, 2605/2605-325,  
25 2605/2605-335, 2605/2605-340, 2605/2605-350, 2605/2605-355,  
26 2605/2605-360, 2605/2605-365, 2605/2605-375, 2605/2605-390,

1 2605/2605-400, 2605/2605-405, 2605/2605-420, 2605/2605-430,  
2 2605/2605-435, 2605/2605-500, 2605/2605-525, or  
3 2605/2605-550). Applications shall be in writing and  
4 accompanied by a certificate, signed by the peace officer or  
5 chief administrative officer or his designee making such  
6 application, to the effect that the information applied for is  
7 necessary in the interest of and will be used solely in the due  
8 administration of the criminal laws or for the purpose of  
9 evaluating the qualifications and character of employees,  
10 prospective employees, volunteers, or prospective volunteers  
11 of units of local government, school districts, and private  
12 organizations, or for the purpose of evaluating the character  
13 of persons who may be granted or denied access to municipal  
14 utility facilities under Section 11-117.1-1 of the Illinois  
15 Municipal Code.

16 For the purposes of this subsection, "chief administrative  
17 officer" is defined as follows:

18 a) The city manager of a city or, if a city does not  
19 employ a city manager, the mayor of the city.

20 b) The manager of a village or, if a village does not  
21 employ a manager, the president of the village.

22 c) The chairman or president of a county board or, if a  
23 county has adopted the county executive form of government,  
24 the chief executive officer of the county.

25 d) The president of the school board of a school  
26 district.

1 e) The supervisor of a township.

2 f) The official granted general administrative control  
3 of a special district, an authority, or organization of  
4 government establishment by law which may issue  
5 obligations and which either may levy a property tax or may  
6 expend funds of the district, authority, or organization  
7 independently of any parent unit of government.

8 g) The executive officer granted general  
9 administrative control of a private organization defined  
10 in Section 2605-335 of the Department of State Police Law  
11 (20 ILCS 2605/2605-335).

12 (B) Upon written application and payment of fees authorized  
13 by this subsection, State agencies and units of local  
14 government, not including school districts, are authorized to  
15 submit fingerprints of employees, prospective employees and  
16 license applicants to the Department for the purpose of  
17 obtaining conviction information maintained by the Department  
18 and the Federal Bureau of Investigation about such persons. The  
19 Department shall submit such fingerprints to the Federal Bureau  
20 of Investigation on behalf of such agencies and units of local  
21 government. The Department shall charge an application fee,  
22 based on actual costs, for the dissemination of conviction  
23 information pursuant to this subsection. The Department is  
24 empowered to establish this fee and shall prescribe the form  
25 and manner for requesting and furnishing conviction  
26 information pursuant to this subsection.

1 (C) Upon payment of fees authorized by this subsection, the  
2 Department shall furnish to the commanding officer of a  
3 military installation in Illinois having an arms storage  
4 facility, upon written request of such commanding officer or  
5 his designee, and in the form and manner prescribed by the  
6 Department, all criminal history record information pertaining  
7 to any individual seeking access to such a storage facility,  
8 where such information is sought pursuant to a  
9 federally-mandated security or criminal history check.

10 The Department shall establish and charge a fee, not to  
11 exceed actual costs, for providing information pursuant to this  
12 subsection.

13 (Source: P.A. 94-480, eff. 1-1-06.); and

14 on page 32, by inserting immediately below line 25 the  
15 following:

16 "The Board may only authorize the sealing of Class 3 and 4  
17 felony convictions of the petitioner from one information or  
18 indictment under this paragraph (10). A petitioner may only  
19 receive one certificate of eligibility for sealing under this  
20 provision for life."