



Rep. Elizabeth Hernandez

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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 and requesting institutions as defined in Section 2605-345 of
13 the Department of State Police Law under the provisions of
14 Section 2605-10, 2605-15, 2605-75, 2605-100, 2605-105,
15 2605-110, 2605-115, 2605-120, 2605-130, 2605-140, 2605-190,
16 2605-200, 2605-205, 2605-210, 2605-215, 2605-250, 2605-275,
17 2605-300, 2605-305, 2605-315, 2605-325, 2605-335, 2605-340,
18 2605-345, 2605-350, 2605-355, 2605-360, 2605-365, 2605-375,
19 2605-390, 2605-400, 2605-405, 2605-420, 2605-430, 2605-435,
20 2605-500, 2605-525, or 2605-550 of the Department of State
21 Police Law (20 ILCS 2605/2605-10, 2605/2605-15, 2605/2605-75,
22 2605/2605-100, 2605/2605-105, 2605/2605-110, 2605/2605-115,
23 2605/2605-120, 2605/2605-130, 2605/2605-140, 2605/2605-190,
24 2605/2605-200, 2605/2605-205, 2605/2605-210, 2605/2605-215,
25 2605/2605-250, 2605/2605-275, 2605/2605-300, 2605/2605-305,
26 2605/2605-315, 2605/2605-325, 2605/2605-335, 2605/2605-340,

1 2605/2605-350, 2605/2605-355, 2605/2605-360, 2605/2605-365,
2 2605/2605-375, 2605/2605-390, 2605/2605-400, 2605/2605-405,
3 2605/2605-420, 2605/2605-430, 2605/2605-435, 2605/2605-500,
4 2605/2605-525, or 2605/2605-550). Applications shall be in
5 writing and accompanied by a certificate, signed by the peace
6 officer or chief administrative officer or his designee making
7 such application, to the effect that the information applied
8 for is necessary in the interest of and will be used solely in
9 the due administration of the criminal laws or for the purpose
10 of evaluating the qualifications and character of employees,
11 prospective employees, volunteers, or prospective volunteers
12 of units of local government, school districts, and private
13 organizations, or for the purpose of evaluating the character
14 of persons who may be granted or denied access to municipal
15 utility facilities under Section 11-117.1-1 of the Illinois
16 Municipal Code.

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

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

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

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

26 d) The president of the school board of a school

1 district.

2 e) The supervisor of a township.

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

9 g) The executive officer granted general
10 administrative control of a private organization defined
11 in Section 2605-335 of the Department of State Police Law
12 (20 ILCS 2605/2605-335).

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

1 information pursuant to this subsection.

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

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

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

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

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