



Sen. John G. Mulroe

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09700SB3517sam001

LRB097 14108 CEL 67838 a

1 AMENDMENT TO SENATE BILL 3517

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3517 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Child Care Act of 1969 is amended by  
5 changing Section 4.2 as follows:

6 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

7 Sec. 4.2. (a) No applicant may receive a license from the  
8 Department and no person may be employed by a licensed child  
9 care facility who refuses to authorize an investigation as  
10 required by Section 4.1.

11 (b) In addition to the other provisions of this Section, no  
12 applicant may receive a license from the Department and no  
13 person may be employed by a child care facility licensed by the  
14 Department who has been declared a sexually dangerous person  
15 under "An Act in relation to sexually dangerous persons, and  
16 providing for their commitment, detention and supervision",

1 approved July 6, 1938, as amended, or convicted of committing  
2 or attempting to commit any of the following offenses  
3 stipulated under the Criminal Code of 1961:

4 (1) murder;

5 (1.1) solicitation of murder;

6 (1.2) solicitation of murder for hire;

7 (1.3) intentional homicide of an unborn child;

8 (1.4) voluntary manslaughter of an unborn child;

9 (1.5) involuntary manslaughter;

10 (1.6) reckless homicide;

11 (1.7) concealment of a homicidal death;

12 (1.8) involuntary manslaughter of an unborn child;

13 (1.9) reckless homicide of an unborn child;

14 (1.10) drug-induced homicide;

15 (2) a sex offense under Article 11, except offenses  
16 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,  
17 11-40, and 11-45;

18 (3) kidnapping;

19 (3.1) aggravated unlawful restraint;

20 (3.2) forcible detention;

21 (3.3) harboring a runaway;

22 (3.4) aiding and abetting child abduction;

23 (4) aggravated kidnapping;

24 (5) child abduction;

25 (6) aggravated battery of a child as described in  
26 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

- 1 (7) criminal sexual assault;
- 2 (8) aggravated criminal sexual assault;
- 3 (8.1) predatory criminal sexual assault of a child;
- 4 (9) criminal sexual abuse;
- 5 (10) aggravated sexual abuse;
- 6 (11) heinous battery as described in Section 12-4.1 or
- 7 subdivision (a) (2) of Section 12-3.05;
- 8 (12) aggravated battery with a firearm as described in
- 9 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 10 (e) (4) of Section 12-3.05;
- 11 (13) tampering with food, drugs, or cosmetics;
- 12 (14) drug induced infliction of great bodily harm as
- 13 described in Section 12-4.7 or subdivision (g) (1) of
- 14 Section 12-3.05;
- 15 (15) hate crime;
- 16 (16) stalking;
- 17 (17) aggravated stalking;
- 18 (18) threatening public officials;
- 19 (19) home invasion;
- 20 (20) vehicular invasion;
- 21 (21) criminal transmission of HIV;
- 22 (22) criminal abuse or neglect of an elderly or
- 23 disabled person as described in Section 12-21 or subsection
- 24 (b) of Section 12-4.4a;
- 25 (23) child abandonment;
- 26 (24) endangering the life or health of a child;

1 (25) ritual mutilation;

2 (26) ritualized abuse of a child;

3 (27) an offense in any other jurisdiction the elements  
4 of which are similar and bear a substantial relationship to  
5 any of the foregoing offenses.

6 (b-1) In addition to the other provisions of this Section,  
7 beginning January 1, 2004, no new applicant and, on the date of  
8 licensure renewal, no current licensee may operate or receive a  
9 license from the Department to operate, no person may be  
10 employed by, and no adult person may reside in a child care  
11 facility licensed by the Department who has been convicted of  
12 committing or attempting to commit any of the following  
13 offenses or an offense in any other jurisdiction the elements  
14 of which are similar and bear a substantial relationship to any  
15 of the following offenses:

16 (I) BODILY HARM

17 (1) Felony aggravated assault.

18 (2) Vehicular endangerment.

19 (3) Felony domestic battery.

20 (4) Aggravated battery.

21 (5) Heinous battery.

22 (6) Aggravated battery with a firearm.

23 (7) Aggravated battery of an unborn child.

24 (8) Aggravated battery of a senior citizen.

1 (9) Intimidation.

2 (10) Compelling organization membership of persons.

3 (11) Abuse and criminal neglect of a long term care  
4 facility resident.

5 (12) Felony violation of an order of protection.

6 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

7 (1) Felony unlawful use of weapons.

8 (2) Aggravated discharge of a firearm.

9 (3) Reckless discharge of a firearm.

10 (4) Unlawful use of metal piercing bullets.

11 (5) Unlawful sale or delivery of firearms on the  
12 premises of any school.

13 (6) Disarming a police officer.

14 (7) Obstructing justice.

15 (8) Concealing or aiding a fugitive.

16 (9) Armed violence.

17 (10) Felony contributing to the criminal delinquency  
18 of a juvenile.

19 (III) DRUG OFFENSES

20 (1) Possession of more than 30 grams of cannabis.

21 (2) Manufacture of more than 10 grams of cannabis.

22 (3) Cannabis trafficking.

- 1 (4) Delivery of cannabis on school grounds.
- 2 (5) Unauthorized production of more than 5 cannabis  
3 sativa plants.
- 4 (6) Calculated criminal cannabis conspiracy.
- 5 (7) Unauthorized manufacture or delivery of controlled  
6 substances.
- 7 (8) Controlled substance trafficking.
- 8 (9) Manufacture, distribution, or advertisement of  
9 look-alike substances.
- 10 (10) Calculated criminal drug conspiracy.
- 11 (11) Street gang criminal drug conspiracy.
- 12 (12) Permitting unlawful use of a building.
- 13 (13) Delivery of controlled, counterfeit, or  
14 look-alike substances to persons under age 18, or at truck  
15 stops, rest stops, or safety rest areas, or on school  
16 property.
- 17 (14) Using, engaging, or employing persons under 18 to  
18 deliver controlled, counterfeit, or look-alike substances.
- 19 (15) Delivery of controlled substances.
- 20 (16) Sale or delivery of drug paraphernalia.
- 21 (17) Felony possession, sale, or exchange of  
22 instruments adapted for use of a controlled substance,  
23 methamphetamine, or cannabis by subcutaneous injection.
- 24 (18) Felony possession of a controlled substance.
- 25 (19) Any violation of the Methamphetamine Control and  
26 Community Protection Act.

1       (b-1.5) In addition to any other provision of this Section,  
2 for applicants with access to confidential financial  
3 information or who submit documentation to support billing, no  
4 applicant whose initial application was considered after the  
5 effective date of this amendatory Act of the 97th General  
6 Assembly may receive a license from the Department or a child  
7 care facility licensed by the Department who has been convicted  
8 of committing or attempting to commit any of the following  
9 felony offenses:

10           (1) financial institution fraud under Section 17-10.6  
11 of the Criminal Code of 1961;

12           (2) identity theft under Section 16-30 of the Criminal  
13 Code of 1961;

14           (3) financial exploitation of an elderly person or a  
15 person with a disability under Section 17-56 of the  
16 Criminal Code of 1961;

17           (4) computer tampering under Section 17-51 of the  
18 Criminal Code of 1961;

19           (5) aggravated computer tampering under Section 17-52  
20 of the Criminal Code of 1961;

21           (6) computer fraud under Section 17-50 of the Criminal  
22 Code of 1961;

23           (7) deceptive practices under Section 17-1 of the  
24 Criminal Code of 1961;

25           (8) forgery under Section 17-3 of the Criminal Code of  
26 1961;

1           (9) State benefits fraud under Section 17-6 of the  
2           Criminal Code of 1961;

3           (10) mail fraud and wire fraud under Section 17-24 of  
4           the Criminal Code of 1961;

5           (11) theft under paragraphs (1.1) through (11) of  
6           subsection (b) of Section 16-1 of the Criminal Code of  
7           1961.

8           (b-2) Notwithstanding subsection (b-1), the Department may  
9           make an exception and, for ~~For~~ child care facilities other than  
10          foster family homes, ~~the Department may~~ issue a new child care  
11          facility license to or renew the existing child care facility  
12          license of an applicant, a person employed by a child care  
13          facility, or an applicant who has an adult residing in a home  
14          child care facility who was convicted of an offense described  
15          in subsection (b-1), provided that all of the following  
16          requirements are met:

17               (1) The relevant criminal offense occurred more than 5  
18               years prior to the date of application or renewal, except  
19               for drug offenses. The relevant drug offense must have  
20               occurred more than 10 years prior to the date of  
21               application or renewal, unless the applicant passed a drug  
22               test, arranged and paid for by the child care facility, no  
23               less than 5 years after the offense.

24               (2) The Department must conduct a background check and  
25               assess all convictions and recommendations of the child  
26               care facility to determine if hiring or licensing the



1        applicant is in ~~waiver shall apply in~~ accordance with  
2        Department administrative rules and procedures.

3            (3) The applicant meets all other requirements and  
4        qualifications to be licensed as the pertinent type of  
5        child care facility under this Act and the Department's  
6        administrative rules.

7            (c) In addition to the other provisions of this Section, no  
8        applicant may receive a license from the Department to operate  
9        a foster family home, and no adult person may reside in a  
10       foster family home licensed by the Department, who has been  
11       convicted of committing or attempting to commit any of the  
12       following offenses stipulated under the Criminal Code of 1961,  
13       the Cannabis Control Act, the Methamphetamine Control and  
14       Community Protection Act, and the Illinois Controlled  
15       Substances Act:

16                    (I) OFFENSES DIRECTED AGAINST THE PERSON

17                    (A) KIDNAPPING AND RELATED OFFENSES

18                    (1) Unlawful restraint.

19                    (B) BODILY HARM

20                    (2) Felony aggravated assault.

21                    (3) Vehicular endangerment.

22                    (4) Felony domestic battery.

23                    (5) Aggravated battery.

- 1 (6) Heinous battery.
- 2 (7) Aggravated battery with a firearm.
- 3 (8) Aggravated battery of an unborn child.
- 4 (9) Aggravated battery of a senior citizen.
- 5 (10) Intimidation.
- 6 (11) Compelling organization membership of persons.
- 7 (12) Abuse and criminal neglect of a long term care
- 8 facility resident.
- 9 (13) Felony violation of an order of protection.

10 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 11 (14) Felony theft.
- 12 (15) Robbery.
- 13 (16) Armed robbery.
- 14 (17) Aggravated robbery.
- 15 (18) Vehicular hijacking.
- 16 (19) Aggravated vehicular hijacking.
- 17 (20) Burglary.
- 18 (21) Possession of burglary tools.
- 19 (22) Residential burglary.
- 20 (23) Criminal fortification of a residence or
- 21 building.
- 22 (24) Arson.
- 23 (25) Aggravated arson.
- 24 (26) Possession of explosive or explosive incendiary

1 devices.

2 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

3 (27) Felony unlawful use of weapons.

4 (28) Aggravated discharge of a firearm.

5 (29) Reckless discharge of a firearm.

6 (30) Unlawful use of metal piercing bullets.

7 (31) Unlawful sale or delivery of firearms on the  
8 premises of any school.

9 (32) Disarming a police officer.

10 (33) Obstructing justice.

11 (34) Concealing or aiding a fugitive.

12 (35) Armed violence.

13 (36) Felony contributing to the criminal delinquency  
14 of a juvenile.

15 (IV) DRUG OFFENSES

16 (37) Possession of more than 30 grams of cannabis.

17 (38) Manufacture of more than 10 grams of cannabis.

18 (39) Cannabis trafficking.

19 (40) Delivery of cannabis on school grounds.

20 (41) Unauthorized production of more than 5 cannabis  
21 sativa plants.

22 (42) Calculated criminal cannabis conspiracy.

1           (43) Unauthorized manufacture or delivery of  
2 controlled substances.

3           (44) Controlled substance trafficking.

4           (45) Manufacture, distribution, or advertisement of  
5 look-alike substances.

6           (46) Calculated criminal drug conspiracy.

7           (46.5) Streetgang criminal drug conspiracy.

8           (47) Permitting unlawful use of a building.

9           (48) Delivery of controlled, counterfeit, or  
10 look-alike substances to persons under age 18, or at truck  
11 stops, rest stops, or safety rest areas, or on school  
12 property.

13           (49) Using, engaging, or employing persons under 18 to  
14 deliver controlled, counterfeit, or look-alike substances.

15           (50) Delivery of controlled substances.

16           (51) Sale or delivery of drug paraphernalia.

17           (52) Felony possession, sale, or exchange of  
18 instruments adapted for use of a controlled substance,  
19 methamphetamine, or cannabis by subcutaneous injection.

20           (53) Any violation of the Methamphetamine Control and  
21 Community Protection Act.

22           (d) Notwithstanding subsection (c), the Department may  
23 make an exception and issue a new foster family home license or  
24 may renew an existing foster family home license of an  
25 applicant who was convicted of an offense described in  
26 subsection (c), provided all of the following requirements are

1 met:

2 (1) The relevant criminal offense or offenses occurred  
3 more than 10 years prior to the date of application or  
4 renewal.

5 (2) The applicant had previously disclosed the  
6 conviction or convictions to the Department for purposes of  
7 a background check.

8 (3) After the disclosure, the Department either placed  
9 a child in the home or the foster family home license was  
10 issued.

11 (4) During the background check, the Department had  
12 assessed and waived the conviction in compliance with the  
13 existing statutes and rules in effect at the time of the  
14 hire or licensure waiver.

15 (5) The applicant meets all other requirements and  
16 qualifications to be licensed as a foster family home under  
17 this Act and the Department's administrative rules.

18 (6) The applicant has a history of providing a safe,  
19 stable home environment and appears able to continue to  
20 provide a safe, stable home environment.

21 (e) In evaluating the exception pursuant to subsections  
22 (b-2) and (d), the Department must carefully review any  
23 relevant documents to determine whether the applicant, despite  
24 the disqualifying convictions, poses a substantial risk to  
25 State resources or clients. In making such a determination the  
26 following guidelines shall be used:

1           (1) the age of the applicant when the offense was  
2           committed;

3           (2) the circumstances surrounding the offense;

4           (3) the length of time since the conviction;

5           (4) the specific duties and responsibilities  
6           necessarily related to the license being applied for and  
7           the bearing, if any, that the applicant's conviction  
8           history may have on his or her fitness to perform these  
9           duties and responsibilities;

10          (5) the applicant's employment references;

11          (6) the applicant's character references and any  
12          certificates of achievement;

13          (7) an academic transcript showing educational  
14          attainment since the disqualifying conviction;

15          (8) a Certificate of Relief from Disabilities or  
16          Certificate of Good Conduct; and

17          (9) anything else that speaks to the applicant's  
18          character.

19          (Source: P.A. 96-1551, Article 1, Section 925, eff. 7-1-11;  
20          96-1551, Article 2, Section 990, eff. 7-1-11; revised 9-30-11.)

21          Section 99. Effective date. This Act takes effect upon  
22          becoming law."