



Sen. Mattie Hunter

Filed: 4/11/2013

09800SB1598sam001

LRB098 10198 MRW 43526 a

1 AMENDMENT TO SENATE BILL 1598

2 AMENDMENT NO. _____. Amend Senate Bill 1598 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by
5 changing Section 5 and by adding Section 4.5 as follows:

6 (20 ILCS 2630/4.5 new)

7 Sec. 4.5. Ethnic and racial data collection.

8 (a) Ethnic and racial background data shall be collected at
9 the point of arrest for all persons arrested. This data shall
10 be collected as outlined in subsection (b) for the purpose of
11 accuracy. If a person arrested is uncooperative or unable to
12 self-identify their ethnicity, race, or both the officer making
13 the arrest report must orally administer the ethnicity
14 questions provided in subsection (b). If the arrestee is still
15 uncooperative or unable to self-identify or answer the
16 questions, the officer making the arrest report must attempt to

1 orally administer the ethnicity questions a second time. If the
2 arrestee is still uncooperative or unable to self-identify or
3 answer the questions, the officer may then, based on the
4 relevant circumstances and in good faith, deduce the ethnicity,
5 race, or both of the arrestee. If the officer deduces the
6 ethnicity, race, or both of the arrestee, the officer must
7 indicate that he or she has done so on the ethnicity
8 self-identification form.

9 (b) Ethnicity self-identification forms shall be in
10 printed form and completed by each arrestee. The ethnicity
11 self-identification forms shall include ethnicity and race
12 information as distinct variables, with the following minimum
13 ethnicity and race designations and questions:

14 "Are you of Hispanic, Latino, or Spanish origin?

15 (A) Yes.

16 (B) No.

17 What race do you consider yourself to be?

18 (A) American Indian or Alaskan Native.

19 (B) Asian.

20 (C) Black or African American.

21 (D) Native American or Other Pacific Islander.

22 (E) White or Caucasian.

23 (F) Unknown."

24 (c) The ethnicity self-identification forms shall include
25 a question indicating whether the answers are self-reported or
26 completed by a law enforcement officer.

1 (d) Ethnic and racial background data self-reported at
2 arrest under subsection (b) shall supersede any ethnic and
3 racial data for that person previously received.

4 (e) Ethnic and racial data of each person committed to the
5 Department of Corrections and the Department of Juvenile
6 Justice shall be collected or corrected, at each of the
7 following criminal justice contact points, where applicable,
8 and included in the Department's records: arrest, referral,
9 diversion, detention, petition, delinquency findings,
10 probation, secure confinement, and transfer of juvenile to
11 adult court. The ethnic and racial data of each person shall be
12 collected in accordance with this Section. The most recent
13 self-reported ethnicity and racial data obtained shall
14 supersede ethnicity and racial data previously received.

15 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

16 Sec. 5. Arrest reports. All policing bodies of this State
17 shall furnish to the Department, daily, in the form and detail
18 the Department requires, fingerprints, ~~and~~ descriptions, and
19 ethnic and racial background data as provided in Section 4.5 of
20 this Act of all persons who are arrested on charges of
21 violating any penal statute of this State for offenses that are
22 classified as felonies and Class A or B misdemeanors and of all
23 minors of the age of 10 and over who have been arrested for an
24 offense which would be a felony if committed by an adult, and
25 may forward such fingerprints and descriptions for minors

1 arrested for Class A or B misdemeanors. Moving or nonmoving
2 traffic violations under the Illinois Vehicle Code shall not be
3 reported except for violations of Chapter 4, Section 11-204.1,
4 or Section 11-501 of that Code. In addition, conservation
5 offenses, as defined in the Supreme Court Rule 501(c), that are
6 classified as Class B misdemeanors shall not be reported. Those
7 law enforcement records maintained by the Department for minors
8 arrested for an offense prior to their 17th birthday, or minors
9 arrested for a non-felony offense, if committed by an adult,
10 prior to their 18th birthday, shall not be forwarded to the
11 Federal Bureau of Investigation unless those records relate to
12 an arrest in which a minor was charged as an adult under any of
13 the transfer provisions of the Juvenile Court Act of 1987.

14 (Source: P.A. 95-955, eff. 1-1-09; 96-328, eff. 8-11-09;
15 96-409, eff. 1-1-10; 96-707, eff. 1-1-10; 96-1000, eff.
16 7-2-10.)

17 Section 10. The Illinois Uniform Conviction Information
18 Act is amended by changing Section 3 as follows:

19 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

20 Sec. 3. Definitions. Whenever used in this Act, and for the
21 purposes of this Act, unless the context clearly indicates
22 otherwise:

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

1 (B) The phrase "administer the criminal laws" includes any
2 of the following activities: intelligence gathering,
3 surveillance, criminal investigation, crime detection and
4 prevention (including research), apprehension, detention,
5 pretrial or post-trial release, prosecution, the correctional
6 supervision or rehabilitation of accused persons or criminal
7 offenders, criminal identification activities, or the
8 collection, maintenance or dissemination of criminal history
9 record information.

10 (C) "The Authority" means the Illinois Criminal Justice
11 Information Authority.

12 (D) "Automated" means the utilization of computers,
13 telecommunication lines, or other automatic data processing
14 equipment for data collection or storage, analysis,
15 processing, preservation, maintenance, dissemination, or
16 display and is distinguished from a system in which such
17 activities are performed manually.

18 (E) "Complete" means accurately reflecting all the
19 criminal history record information about an individual that is
20 required to be reported to the Department pursuant to Section
21 2.1 of the Criminal Identification Act.

22 (F) "Conviction information" means data reflecting a
23 judgment of guilt or nolo contendere. The term includes all
24 prior and subsequent criminal history events directly relating
25 to such judgments, such as, but not limited to: (1) the
26 notation of arrest; (2) the notation of charges filed; (3) the

1 sentence imposed; (4) the fine imposed; and (5) all related
2 probation, parole, and release information. Information ceases
3 to be "conviction information" when a judgment of guilt is
4 reversed or vacated.

5 For purposes of this Act, continuances to a date certain in
6 furtherance of an order of supervision granted under Section
7 5-6-1 of the Unified Code of Corrections or an order of
8 probation granted under either Section 10 of the Cannabis
9 Control Act, Section 410 of the Illinois Controlled Substances
10 Act, Section 70 of the Methamphetamine Control and Community
11 Protection Act, Section 12-4.3 or subdivision (b)(1) of Section
12 12-3.05 of the Criminal Code of 1961 or the Criminal Code of
13 2012, Section 10-102 of the Illinois Alcoholism and Other Drug
14 Dependency Act, Section 40-10 of the Alcoholism and Other Drug
15 Abuse and Dependency Act, or Section 10 of the Steroid Control
16 Act shall not be deemed "conviction information".

17 (G) "Criminal history record information" means data
18 identifiable to an individual, including information collected
19 under Section 4.5 of the Criminal Identification Act, and
20 consisting of descriptions or notations of arrests,
21 detentions, indictments, informations, pretrial proceedings,
22 trials, or other formal events in the criminal justice system
23 or descriptions or notations of criminal charges (including
24 criminal violations of local municipal ordinances) and the
25 nature of any disposition arising therefrom, including
26 sentencing, court or correctional supervision, rehabilitation

1 and release. The term does not apply to statistical records and
2 reports in which individual are not identified and from which
3 their identities are not ascertainable, or to information that
4 is for criminal investigative or intelligence purposes.

5 (H) "Criminal justice agency" means (1) a government agency
6 or any subunit thereof which is authorized to administer the
7 criminal laws and which allocates a substantial part of its
8 annual budget for that purpose, or (2) an agency supported by
9 public funds which is authorized as its principal function to
10 administer the criminal laws and which is officially designated
11 by the Department as a criminal justice agency for purposes of
12 this Act.

13 (I) "The Department" means the Illinois Department of State
14 Police.

15 (J) "Director" means the Director of the Illinois
16 Department of State Police.

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

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

21 (M) "Non-criminal justice agency" means a State agency,
22 Federal agency, or unit of local government that is not a
23 criminal justice agency. The term does not refer to private
24 individuals, corporations, or non-governmental agencies or
25 organizations.

26 (M-5) "Request" means the submission to the Department, in

1 the form and manner required, the necessary data elements or
2 fingerprints, or both, to allow the Department to initiate a
3 search of its criminal history record information files.

4 (N) "Requester" means any private individual, corporation,
5 organization, employer, employment agency, labor organization,
6 or non-criminal justice agency that has made a request pursuant
7 to this Act to obtain conviction information maintained in the
8 files of the Department of State Police regarding a particular
9 individual.

10 (O) "Statistical information" means data from which the
11 identity of an individual cannot be ascertained,
12 reconstructed, or verified and to which the identity of an
13 individual cannot be linked by the recipient of the
14 information.

15 (Source: P.A. 96-1551, eff. 7-1-11; 97-1150, eff. 1-25-13.)

16 Section 15. The Illinois Criminal Justice Information Act
17 is amended by changing Section 3 as follows:

18 (20 ILCS 3930/3) (from Ch. 38, par. 210-3)

19 Sec. 3. Definitions. Whenever used in this Act, and for the
20 purposes of this Act unless the context clearly denotes
21 otherwise:

22 (a) The term "criminal justice system" includes all
23 activities by public agencies pertaining to the prevention or
24 reduction of crime or enforcement of the criminal law, and

1 particularly, but without limitation, the prevention,
2 detection, and investigation of crime; the apprehension of
3 offenders; the protection of victims and witnesses; the
4 administration of juvenile justice; the prosecution and
5 defense of criminal cases; the trial, conviction, and
6 sentencing of offenders; as well as the correction and
7 rehabilitation of offenders, which includes imprisonment,
8 probation, parole and treatment.

9 (b) The term "Authority" means the Illinois Criminal
10 Justice Information Authority created by this Act.

11 (c) The term "criminal justice information" means any and
12 every type of information that is collected, transmitted, or
13 maintained by the criminal justice system.

14 (d) The term "criminal history record information" means
15 data identifiable to an individual, including information
16 collected under Section 4.5 of the Criminal Identification Act,
17 and consisting of descriptions or notations of arrests,
18 detentions, indictments, informations, pre-trial proceedings,
19 trials, or other formal events in the criminal justice system
20 or descriptions or notations of criminal charges (including
21 criminal violations of local municipal ordinances) and the
22 nature of any disposition arising therefrom, including
23 sentencing, court or correctional supervision, rehabilitation,
24 and release. The term does not apply to statistical records and
25 reports in which individuals are not identified and from which
26 their identities are not ascertainable, or to information that

1 is for criminal investigative or intelligence purposes.

2 (e) The term "unit of general local government" means any
3 county, municipality or other general purpose political
4 subdivision of this State.

5 (Source: P.A. 85-653.)

6 Section 20. The Unified Code of Corrections is amended by
7 changing Sections 3-2.5-15, 3-5-1, and 3-5-3 as follows:

8 (730 ILCS 5/3-2.5-15)

9 Sec. 3-2.5-15. Department of Juvenile Justice; assumption
10 of duties of the Juvenile Division.

11 (a) The Department of Juvenile Justice shall assume the
12 rights, powers, duties, and responsibilities of the Juvenile
13 Division of the Department of Corrections. Personnel, books,
14 records, property, and unencumbered appropriations pertaining
15 to the Juvenile Division of the Department of Corrections shall
16 be transferred to the Department of Juvenile Justice on the
17 effective date of this amendatory Act of the 94th General
18 Assembly. Any rights of employees or the State under the
19 Personnel Code or any other contract or plan shall be
20 unaffected by this transfer.

21 (b) Department of Juvenile Justice personnel who are hired
22 by the Department on or after the effective date of this
23 amendatory Act of the 94th General Assembly and who participate
24 or assist in the rehabilitative and vocational training of

1 delinquent youths, supervise the daily activities involving
2 direct and continuing responsibility for the youth's security,
3 welfare and development, or participate in the personal
4 rehabilitation of delinquent youth by training, supervising,
5 and assisting lower level personnel who perform these duties
6 must be over the age of 21 and have a bachelor's or advanced
7 degree from an accredited college or university with a
8 specialization in criminal justice, education, psychology,
9 social work, or a closely related social science. This
10 requirement shall not apply to security, clerical, food
11 service, and maintenance staff that do not have direct and
12 regular contact with youth. The degree requirements specified
13 in this subsection (b) are not required of persons who provide
14 vocational training and who have adequate knowledge in the
15 skill for which they are providing the vocational training.

16 (c) Subsection (b) of this Section does not apply to
17 personnel transferred to the Department of Juvenile Justice on
18 the effective date of this amendatory Act of the 94th General
19 Assembly.

20 (d) The Department shall be under the direction of the
21 Director of Juvenile Justice as provided in this Code.

22 (e) The Director shall organize divisions within the
23 Department and shall assign functions, powers, duties, and
24 personnel as required by law. The Director may create other
25 divisions and may assign other functions, powers, duties, and
26 personnel as may be necessary or desirable to carry out the

1 functions and responsibilities vested by law in the Department.
2 The Director may, with the approval of the Office of the
3 Governor, assign to and share functions, powers, duties, and
4 personnel with other State agencies such that administrative
5 services and administrative facilities are provided by a shared
6 administrative service center. Where possible, shared services
7 which impact youth should be done with child-serving agencies.
8 These administrative services may include, but are not limited
9 to, all of the following functions: budgeting, accounting
10 related functions, auditing, human resources, legal,
11 procurement, training, data collection and analysis,
12 information technology, internal investigations, intelligence,
13 legislative services, emergency response capability, statewide
14 transportation services, and general office support.

15 (f) The Department of Juvenile Justice may enter into
16 intergovernmental cooperation agreements under which minors
17 adjudicated delinquent and committed to the Department of
18 Juvenile Justice may participate in county juvenile impact
19 incarceration programs established under Section 3-6039 of the
20 Counties Code.

21 (g) The Department of Juvenile Justice must comply with the
22 ethnic and racial background data collection procedures
23 provided in subsection (e) of Section 4.5 of the Criminal
24 Identification Act.

25 (Source: P.A. 96-1022, eff. 1-1-11.)

1 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

2 Sec. 3-5-1. Master Record File.

3 (a) The Department of Corrections and the Department of
4 Juvenile Justice shall maintain a master record file on each
5 person committed to it, which shall contain the following
6 information:

7 (1) all information from the committing court;

8 (1.5) ethnic and racial background data collected in
9 accordance with subsection (e) of Section 4.5 of the
10 Criminal Identification Act;

11 (2) reception summary;

12 (3) evaluation and assignment reports and
13 recommendations;

14 (4) reports as to program assignment and progress;

15 (5) reports of disciplinary infractions and
16 disposition, including tickets and Administrative Review
17 Board action;

18 (6) any parole plan;

19 (7) any parole reports;

20 (8) the date and circumstances of final discharge;

21 (9) criminal history;

22 (10) current and past gang affiliations and ranks;

23 (11) information regarding associations and family
24 relationships;

25 (12) any grievances filed and responses to those
26 grievances; and

1 (13) other information that the respective Department
2 determines is relevant to the secure confinement and
3 rehabilitation of the committed person.

4 (b) All files shall be confidential and access shall be
5 limited to authorized personnel of the respective Department.
6 Personnel of other correctional, welfare or law enforcement
7 agencies may have access to files under rules and regulations
8 of the respective Department. The respective Department shall
9 keep a record of all outside personnel who have access to
10 files, the files reviewed, any file material copied, and the
11 purpose of access. If the respective Department or the Prisoner
12 Review Board makes a determination under this Code which
13 affects the length of the period of confinement or commitment,
14 the committed person and his counsel shall be advised of
15 factual information relied upon by the respective Department or
16 Board to make the determination, provided that the Department
17 or Board shall not be required to advise a person committed to
18 the Department of Juvenile Justice any such information which
19 in the opinion of the Department of Juvenile Justice or Board
20 would be detrimental to his treatment or rehabilitation.

21 (c) The master file shall be maintained at a place
22 convenient to its use by personnel of the respective Department
23 in charge of the person. When custody of a person is
24 transferred from the Department to another department or
25 agency, a summary of the file shall be forwarded to the
26 receiving agency with such other information required by law or

1 requested by the agency under rules and regulations of the
2 respective Department.

3 (d) The master file of a person no longer in the custody of
4 the respective Department shall be placed on inactive status
5 and its use shall be restricted subject to rules and
6 regulations of the Department.

7 (e) All public agencies may make available to the
8 respective Department on request any factual data not otherwise
9 privileged as a matter of law in their possession in respect to
10 individuals committed to the respective Department.

11 (Source: P.A. 97-696, eff. 6-22-12.)

12 (730 ILCS 5/3-5-3) (from Ch. 38, par. 1003-5-3)

13 Sec. 3-5-3. Annual and other Reports.

14 (a) The Director shall make an annual report to the
15 Governor and General Assembly concerning persons committed to
16 the Department, its institutions, facilities and programs, of
17 all moneys expended and received, and on what accounts expended
18 and received. The report shall include the ethnic and racial
19 background data, not identifiable to an individual, of all
20 persons committed to the Department, its institutions,
21 facilities, and programs.

22 (b) (Blank).

23 (c) The Director may require such reports from division
24 administrators, chief administrative officers and other
25 personnel as he deems necessary for the administration of the

1 Department.

2 (d) (Blank).

3 (Source: P.A. 97-800, eff. 7-13-12.)

4 Section 99. Effective date. This Act takes effect July 1,
5 2014.".