



Rep. Ed Sullivan

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LRB099 16688 SMS 47480 a

1 AMENDMENT TO HOUSE BILL 6233

2 AMENDMENT NO. _____. Amend House Bill 6233 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Children and Family Services Act is amended
5 by changing Section 5d as follows:

6 (20 ILCS 505/5d)

7 Sec. 5d. The Direct Child Welfare Service Employee License
8 Board.

9 (a) For purposes of this Section:

10 (1) "Board" means the Direct Child Welfare Service
11 Employee License Board.

12 (2) "Director" means the Director of Children and
13 Family Services.

14 (b) The Direct Child Welfare Service Employee License Board
15 is created within the Department of Children and Family
16 Services and shall consist of 9 members appointed by the

1 Director. The Director shall annually designate a chairperson
2 and vice-chairperson of the Board. The membership of the Board
3 must be composed as follows: (i) 5 licensed professionals from
4 the field of human services with a human services degree or
5 equivalent course work as required by rule of the Department
6 and who are in good standing within their profession, at least
7 2 of which must be employed in the private not-for-profit
8 sector and at least one of which in the public sector; (ii) 2
9 faculty members of an accredited university who have child
10 welfare experience and are in good standing within their
11 profession and (iii) 2 members of the general public who are
12 not licensed under this Act or a similar rule and will
13 represent consumer interests.

14 In making the first appointments, the Director shall
15 appoint 3 members to serve for a term of one year, 3 members to
16 serve for a term of 2 years, and 3 members to serve for a term
17 of 3 years, or until their successors are appointed and
18 qualified. Their successors shall be appointed to serve 3-year
19 terms, or until their successors are appointed and qualified.
20 Appointments to fill unexpired vacancies shall be made in the
21 same manner as original appointments. No member may be
22 reappointed if a reappointment would cause that member to serve
23 on the Board for longer than 6 consecutive years. Board
24 membership must have reasonable representation from different
25 geographic areas of Illinois, and all members must be residents
26 of this State.

1 The Director may terminate the appointment of any member
2 for good cause, including but not limited to (i) unjustified
3 absences from Board meetings or other failure to meet Board
4 responsibilities, (ii) failure to recuse himself or herself
5 when required by subsection (c) of this Section or Department
6 rule, or (iii) failure to maintain the professional position
7 required by Department rule. No member of the Board may have a
8 pending or indicated report of child abuse or neglect or a
9 pending complaint or criminal conviction of any of the offenses
10 or any conditions set forth in subsection ~~paragraph~~ (b) of
11 Section 4.2 of the Child Care Act of 1969.

12 The members of the Board shall receive no compensation for
13 the performance of their duties as members, but each member
14 shall be reimbursed for his or her reasonable and necessary
15 expenses incurred in attending the meetings of the Board.

16 (c) The Board shall make recommendations to the Director
17 regarding licensure rules. Board members must recuse
18 themselves from sitting on any matter involving an employee of
19 a child welfare agency at which the Board member is an employee
20 or contractual employee. The Board shall make a final
21 determination concerning revocation, suspension, or
22 reinstatement of an employee's direct child welfare service
23 license after a hearing conducted under the Department's rules.
24 Upon notification of the manner of the vote to all the members,
25 votes on a final determination may be cast in person, by
26 telephonic or electronic means, or by mail at the discretion of

1 the chairperson. A simple majority of the members appointed and
2 serving is required when Board members vote by mail or by
3 telephonic or electronic means. A majority of the currently
4 appointed and serving Board members constitutes a quorum. A
5 majority of a quorum is required when a recommendation is voted
6 on during a Board meeting. A vacancy in the membership of the
7 Board shall not impair the right of a quorum to perform all the
8 duties of the Board. Board members are not personally liable in
9 any action based upon a disciplinary proceeding or otherwise
10 for any action taken in good faith as a member of the Board.

11 (d) The Director may assign Department employees to provide
12 staffing services to the Board. The Department must promulgate
13 any rules necessary to implement and administer the
14 requirements of this Section.

15 (Source: P.A. 92-471, eff. 8-22-01; 92-651, eff. 7-11-02.)

16 Section 10. The Child Care Act of 1969 is amended by
17 changing Section 4.2 as follows:

18 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

19 Sec. 4.2. Criminal convictions or conditions barring
20 licensure; waiver.

21 (a) No applicant may receive a license from the Department
22 and no person may be employed by a licensed child care facility
23 who refuses to authorize an investigation as required by
24 Section 4.1.

1 (b) Non-waivable circumstances. No new applicant and, on
2 the date of licensure renewal, no person licensed on the
3 effective date of this amendatory Act of the 99th General
4 Assembly may operate or receive a license from the Department
5 to operate and no person may be employed by and no adult person
6 may reside in a child care facility licensed by the Department,
7 including a foster family home, if that person has a criminal
8 conviction or conditions or a pending criminal complaint that
9 would result in a condition or conviction as set forth in any
10 of the following:

11 (1) was convicted of any felony offense within 5 years
12 of application for license or employment;

13 (2) was convicted of a Class X felony;

14 (3) was convicted of a felony, including child
15 pornography, in which the victim was a child under the age
16 of 18;

17 (4) is currently on the Illinois State Police Sex
18 Offender Registry or the National Sex Offender Public
19 Website for an offense committed as an adult or was an
20 adult when named as a perpetrator or has a conviction as an
21 adult that would have been subject to the Sex Offender
22 Registration Act;

23 (5) is currently in the Murderer and Violent Offender
24 Against Youth Database as created in subsection (a) of
25 Section 85 of the Murderer and Violent Offender Against
26 Youth Registration Act;

1 (6) was adjudicated not guilty of an offense by reason
2 of insanity;

3 (7) was convicted of felony kidnapping, aggravated
4 kidnaping, arson, rape, sexual assault, spousal abuse,
5 domestic battery, aggravated domestic battery, or
6 homicide;

7 (8) for foster home applicants, was convicted of any
8 other felony involving violence, not including physical
9 assault or battery; or

10 (9) for applicants other than foster home applicants,
11 was convicted of any other felony involving violence or was
12 convicted of or has a pending complaint or charges for a
13 violent misdemeanor as an adult committed against a child,
14 including child abuse, child endangerment, or sexual
15 assault, or was convicted of or has a pending complaint or
16 charges for a misdemeanor involving child pornography.

17 (c) Waivable circumstances; authority to waive.

18 (1) No new applicant and, on the date of licensure
19 renewal, no person licensed on the effective date of this
20 amendatory Act of the 99th General Assembly, may operate or
21 receive a license from the Department to operate and no
22 person may be employed by and no adult person may reside in
23 a child care facility licensed by the Department, including
24 a foster family home, if that person has a criminal
25 conviction or a pending criminal complaint or charges that
26 would result in a conviction, for an offense other than an

1 offense listed in subsection (b) above, unless waived
2 pursuant to this subsection (c) and subsection (d).

3 (2) All cases where an applicant for licensure, a
4 licensee, an employee of a facility licensed by the
5 Department, or an adult person residing in a child care
6 facility licensed by the Department, including a foster
7 family home, was convicted of any felony other than a
8 felony listed in subsection (b) of this Section must be
9 reviewed and waived by the Director of the Department or
10 his or her designee.

11 (3) All cases where an applicant for licensure, a
12 licensee, an employee of a facility licensed by the
13 Department, or an adult person residing in a child care
14 facility licensed by the Department, including a foster
15 family home, committed a sex offense as a minor and is on
16 the Illinois State Police Sex Offender Registry must be
17 reviewed and waived by the Director of the Department or
18 his or her designee.

19 (4) All cases where an applicant for licensure, a
20 licensee, an employee of a facility licensed by the
21 Department, or an adult person residing in a child care
22 facility licensed by the Department, including a foster
23 family home, was convicted of any misdemeanor or has a
24 pending criminal complaint that could result in a
25 misdemeanor conviction must be reviewed by the agency
26 seeking to grant, renew, employ, or issue the license. The

1 agency shall recommend whether the conviction should be
2 waived. This subsection does not apply to non-waivable
3 misdemeanors listed in paragraph (9) of subsection (b) of
4 this Section. The recommendation of the agency shall be
5 reviewed by the Director of the Department or his or her
6 designee for compliance with this subsection (c) and
7 subsection (d) of this Section, and a final determination
8 regarding waiver shall be made by the Director of the
9 Department.

10 (d) Provisions applicable to all waivers.

11 (1) All waiver reviews shall be in writing and based on
12 the guidelines set forth in this subsection (d). The
13 rationale for the decision shall be in writing and
14 maintained in the applicant's file.

15 (2) A person or entity who holds a license issued by
16 the Department of Children and Family Services, including a
17 foster family home license or a person currently employed
18 by a facility licensed by the Department, may appeal an
19 adverse waiver determination pursuant to subsection (c)
20 and this subsection (d) of this Section. All other
21 determinations under this Section are appealable only on
22 the basis that the individual is not the person named in
23 the criminal history report.

24 (3) The Department shall adopt rules governing
25 guidelines for granting a waiver, which shall include, but
26 not be limited to, consideration of the following factors,

1 and any consideration must include access and review of
2 underlying criminal conviction documents:

3 (A) the nature of the offense, including the age of
4 the offender when the offense was committed, the
5 relationship between the offender and the victim, the
6 physical or emotional harm caused to the victim, and
7 whether the offense involved a minor, a person
8 adjudicated to be a person with a disability under the
9 Probate Act of 1975, or a person 60 years of age or
10 older;

11 (B) the evidence of rehabilitation, including the
12 length of time that has passed since the offense was
13 committed; whether the individual completed any
14 sentence of incarceration and, if so, when; the
15 circumstances surrounding the commission of the
16 offense; any circumstances that would demonstrate a
17 low or high likelihood of recidivism; the number of
18 offenses for which the individual was convicted;
19 employment references; evidence of participation in
20 therapy or services aimed at rehabilitation; academic
21 transcripts; other information that speaks to the
22 individual's character;

23 (C) the relationship between the criminal offense
24 and the license or employment sought, including
25 capacity to care for children or have access to
26 children; the specific duties and responsibilities

1 related to the license or employment sought and the
2 bearing, if any, the offense has on his or her fitness
3 to perform these duties and responsibilities;

4 (D) the disclosure of the conviction, including
5 whether the applicant for licensure, licensee,
6 employee of a facility licensed by the Department, or
7 adult person residing in a child care facility licensed
8 by the Department, including a foster family home,
9 disclosed whether he or she had a criminal background
10 and the circumstances of the conviction; and

11 (E) the existence of a supervisory or monitoring
12 plan that the Department has approved.

13 (e) If any felony criminal offense or complaint is pending,
14 the Director cannot issue a waiver until the complaint has been
15 resolved.

16 ~~(b) In addition to the other provisions of this Section, no~~
17 ~~applicant may receive a license from the Department and no~~
18 ~~person may be employed by a child care facility licensed by the~~
19 ~~Department who has been declared a sexually dangerous person~~
20 ~~under "An Act in relation to sexually dangerous persons, and~~
21 ~~providing for their commitment, detention and supervision",~~
22 ~~approved July 6, 1938, as amended, or convicted of committing~~
23 ~~or attempting to commit any of the following offenses~~
24 ~~stipulated under the Criminal Code of 1961 or the Criminal Code~~
25 ~~of 2012:~~

26 ~~(1) murder;~~

- 1 ~~(1.1) solicitation of murder;~~
- 2 ~~(1.2) solicitation of murder for hire;~~
- 3 ~~(1.3) intentional homicide of an unborn child;~~
- 4 ~~(1.4) voluntary manslaughter of an unborn child;~~
- 5 ~~(1.5) involuntary manslaughter;~~
- 6 ~~(1.6) reckless homicide;~~
- 7 ~~(1.7) concealment of a homicidal death;~~
- 8 ~~(1.8) involuntary manslaughter of an unborn child;~~
- 9 ~~(1.9) reckless homicide of an unborn child;~~
- 10 ~~(1.10) drug-induced homicide;~~
- 11 ~~(2) a sex offense under Article 11, except offenses~~
- 12 ~~described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,~~
- 13 ~~11-40, and 11-45;~~
- 14 ~~(3) kidnapping;~~
- 15 ~~(3.1) aggravated unlawful restraint;~~
- 16 ~~(3.2) forcible detention;~~
- 17 ~~(3.3) harboring a runaway;~~
- 18 ~~(3.4) aiding and abetting child abduction;~~
- 19 ~~(4) aggravated kidnapping;~~
- 20 ~~(5) child abduction;~~
- 21 ~~(6) aggravated battery of a child as described in~~
- 22 ~~Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;~~
- 23 ~~(7) criminal sexual assault;~~
- 24 ~~(8) aggravated criminal sexual assault;~~
- 25 ~~(8.1) predatory criminal sexual assault of a child;~~
- 26 ~~(9) criminal sexual abuse;~~

- 1 ~~(10) aggravated sexual abuse;~~
- 2 ~~(11) heinous battery as described in Section 12-4.1 or~~
3 ~~subdivision (a) (2) of Section 12-3.05;~~
- 4 ~~(12) aggravated battery with a firearm as described in~~
5 ~~Section 12-4.2 or subdivision (c) (1), (c) (2), (c) (3), or~~
6 ~~(c) (4) of Section 12-3.05;~~
- 7 ~~(13) tampering with food, drugs, or cosmetics;~~
- 8 ~~(14) drug induced infliction of great bodily harm as~~
9 ~~described in Section 12-4.7 or subdivision (g) (1) of~~
10 ~~Section 12-3.05;~~
- 11 ~~(15) hate crime;~~
- 12 ~~(16) stalking;~~
- 13 ~~(17) aggravated stalking;~~
- 14 ~~(18) threatening public officials;~~
- 15 ~~(19) home invasion;~~
- 16 ~~(20) vehicular invasion;~~
- 17 ~~(21) criminal transmission of HIV;~~
- 18 ~~(22) criminal abuse or neglect of an elderly person or~~
19 ~~person with a disability as described in Section 12-21 or~~
20 ~~subsection (c) of Section 12-4.4a;~~
- 21 ~~(23) child abandonment;~~
- 22 ~~(24) endangering the life or health of a child;~~
- 23 ~~(25) ritual mutilation;~~
- 24 ~~(26) ritualized abuse of a child;~~
- 25 ~~(27) an offense in any other jurisdiction the elements~~
26 ~~of which are similar and bear a substantial relationship to~~

1 ~~any of the foregoing offenses.~~

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

12 ~~(I) BODILY HARM~~

13 ~~(1) Felony aggravated assault.~~

14 ~~(2) Vehicular endangerment.~~

15 ~~(3) Felony domestic battery.~~

16 ~~(4) Aggravated battery.~~

17 ~~(5) Heinous battery.~~

18 ~~(6) Aggravated battery with a firearm.~~

19 ~~(7) Aggravated battery of an unborn child.~~

20 ~~(8) Aggravated battery of a senior citizen.~~

21 ~~(9) Intimidation.~~

22 ~~(10) Compelling organization membership of persons.~~

23 ~~(11) Abuse and criminal neglect of a long term care~~
24 ~~facility resident.~~

1 ~~(12) Felony violation of an order of protection.~~

2 ~~(II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY~~

3 ~~(1) Felony unlawful use of weapons.~~

4 ~~(2) Aggravated discharge of a firearm.~~

5 ~~(3) Reckless discharge of a firearm.~~

6 ~~(4) Unlawful use of metal piercing bullets.~~

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

9 ~~(6) Disarming a police officer.~~

10 ~~(7) Obstructing justice.~~

11 ~~(8) Concealing or aiding a fugitive.~~

12 ~~(9) Armed violence.~~

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

15 ~~(III) DRUG OFFENSES~~

16 ~~(1) Possession of more than 30 grams of cannabis.~~

17 ~~(2) Manufacture of more than 10 grams of cannabis.~~

18 ~~(3) Cannabis trafficking.~~

19 ~~(4) Delivery of cannabis on school grounds.~~

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

22 ~~(6) Calculated criminal cannabis conspiracy.~~

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

3 ~~(8) Controlled substance trafficking.~~

4 ~~(9) Manufacture, distribution, or advertisement of~~
5 ~~look alike substances.~~

6 ~~(10) Calculated criminal drug conspiracy.~~

7 ~~(11) Street gang criminal drug conspiracy.~~

8 ~~(12) Permitting unlawful use of a building.~~

9 ~~(13) 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 ~~(14) Using, engaging, or employing persons under 18 to~~
14 ~~deliver controlled, counterfeit, or look alike substances.~~

15 ~~(15) Delivery of controlled substances.~~

16 ~~(16) Sale or delivery of drug paraphernalia.~~

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

20 ~~(18) Felony possession of a controlled substance.~~

21 ~~(19) Any violation of the Methamphetamine Control and~~
22 ~~Community Protection Act.~~

23 ~~(b-1.5) In addition to any other provision of this Section,~~
24 ~~for applicants with access to confidential financial~~
25 ~~information or who submit documentation to support billing, no~~
26 ~~applicant whose initial application was considered after the~~

1 ~~effective date of this amendatory Act of the 97th General~~
2 ~~Assembly may receive a license from the Department or a child~~
3 ~~care facility licensed by the Department who has been convicted~~
4 ~~of committing or attempting to commit any of the following~~
5 ~~felony offenses:~~

6 ~~(1) financial institution fraud under Section 17-10.6~~
7 ~~of the Criminal Code of 1961 or the Criminal Code of 2012;~~

8 ~~(2) identity theft under Section 16-30 of the Criminal~~
9 ~~Code of 1961 or the Criminal Code of 2012;~~

10 ~~(3) financial exploitation of an elderly person or a~~
11 ~~person with a disability under Section 17-56 of the~~
12 ~~Criminal Code of 1961 or the Criminal Code of 2012;~~

13 ~~(4) computer tampering under Section 17-51 of the~~
14 ~~Criminal Code of 1961 or the Criminal Code of 2012;~~

15 ~~(5) aggravated computer tampering under Section 17-52~~
16 ~~of the Criminal Code of 1961 or the Criminal Code of 2012;~~

17 ~~(6) computer fraud under Section 17-50 of the Criminal~~
18 ~~Code of 1961 or the Criminal Code of 2012;~~

19 ~~(7) deceptive practices under Section 17-1 of the~~
20 ~~Criminal Code of 1961 or the Criminal Code of 2012;~~

21 ~~(8) forgery under Section 17-3 of the Criminal Code of~~
22 ~~1961 or the Criminal Code of 2012;~~

23 ~~(9) State benefits fraud under Section 17-6 of the~~
24 ~~Criminal Code of 1961 or the Criminal Code of 2012;~~

25 ~~(10) mail fraud and wire fraud under Section 17-24 of~~
26 ~~the Criminal Code of 1961 or the Criminal Code of 2012;~~

1 ~~(11) theft under paragraphs (1.1) through (11) of~~
2 ~~subsection (b) of Section 16-1 of the Criminal Code of 1961~~
3 ~~or the Criminal Code of 2012.~~

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

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

20 ~~(2) The Department must conduct a background check and~~
21 ~~assess all convictions and recommendations of the child~~
22 ~~care facility to determine if hiring or licensing the~~
23 ~~applicant is in accordance with Department administrative~~
24 ~~rules and procedures.~~

25 ~~(3) The applicant meets all other requirements and~~
26 ~~qualifications to be licensed as the pertinent type of~~

1 ~~child care facility under this Act and the Department's~~
2 ~~administrative rules.~~

3 ~~(c) In addition to the other provisions of this Section, no~~
4 ~~applicant may receive a license from the Department to operate~~
5 ~~a foster family home, and no adult person may reside in a~~
6 ~~foster family home licensed by the Department, who has been~~
7 ~~convicted of committing or attempting to commit any of the~~
8 ~~following offenses stipulated under the Criminal Code of 1961,~~
9 ~~the Criminal Code of 2012, the Cannabis Control Act, the~~
10 ~~Methamphetamine Control and Community Protection Act, and the~~
11 ~~Illinois Controlled Substances Act:~~

12 ~~(I) OFFENSES DIRECTED AGAINST THE PERSON~~

13 ~~(A) KIDNAPPING AND RELATED OFFENSES~~

14 ~~(1) Unlawful restraint.~~

15 ~~(B) BODILY HARM~~

16 ~~(2) Felony aggravated assault.~~

17 ~~(3) Vehicular endangerment.~~

18 ~~(4) Felony domestic battery.~~

19 ~~(5) Aggravated battery.~~

20 ~~(6) Heinous battery.~~

21 ~~(7) Aggravated battery with a firearm.~~

22 ~~(8) Aggravated battery of an unborn child.~~

23 ~~(9) Aggravated battery of a senior citizen.~~

1 ~~(10) Intimidation.~~

2 ~~(11) Compelling organization membership of persons.~~

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

5 ~~(13) Felony violation of an order of protection.~~

6 ~~(II) OFFENSES DIRECTED AGAINST PROPERTY~~

7 ~~(14) Felony theft.~~

8 ~~(15) Robbery.~~

9 ~~(16) Armed robbery.~~

10 ~~(17) Aggravated robbery.~~

11 ~~(18) Vehicular hijacking.~~

12 ~~(19) Aggravated vehicular hijacking.~~

13 ~~(20) Burglary.~~

14 ~~(21) Possession of burglary tools.~~

15 ~~(22) Residential burglary.~~

16 ~~(23) Criminal fortification of a residence or~~
17 ~~building.~~

18 ~~(24) Arson.~~

19 ~~(25) Aggravated arson.~~

20 ~~(26) Possession of explosive or explosive incendiary~~
21 ~~devices.~~

22 ~~(III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY~~

- 1 ~~(27) Felony unlawful use of weapons.~~
- 2 ~~(28) Aggravated discharge of a firearm.~~
- 3 ~~(29) Reckless discharge of a firearm.~~
- 4 ~~(30) Unlawful use of metal piercing bullets.~~
- 5 ~~(31) Unlawful sale or delivery of firearms on the~~
6 ~~premises of any school.~~
- 7 ~~(32) Disarming a police officer.~~
- 8 ~~(33) Obstructing justice.~~
- 9 ~~(34) Concealing or aiding a fugitive.~~
- 10 ~~(35) Armed violence.~~
- 11 ~~(36) Felony contributing to the criminal delinquency~~
12 ~~of a juvenile.~~

13 ~~(IV) DRUG OFFENSES~~

- 14 ~~(37) Possession of more than 30 grams of cannabis.~~
- 15 ~~(38) Manufacture of more than 10 grams of cannabis.~~
- 16 ~~(39) Cannabis trafficking.~~
- 17 ~~(40) Delivery of cannabis on school grounds.~~
- 18 ~~(41) Unauthorized production of more than 5 cannabis~~
19 ~~sativa plants.~~
- 20 ~~(42) Calculated criminal cannabis conspiracy.~~
- 21 ~~(43) Unauthorized manufacture or delivery of~~
22 ~~controlled substances.~~
- 23 ~~(44) Controlled substance trafficking.~~
- 24 ~~(45) Manufacture, distribution, or advertisement of~~

1 ~~look-alike substances.~~

2 ~~(46) Calculated criminal drug conspiracy.~~

3 ~~(46.5) Streetgang criminal drug conspiracy.~~

4 ~~(47) Permitting unlawful use of a building.~~

5 ~~(48) Delivery of controlled, counterfeit, or~~
6 ~~look alike substances to persons under age 18, or at truck~~
7 ~~stops, rest stops, or safety rest areas, or on school~~
8 ~~property.~~

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

11 ~~(50) Delivery of controlled substances.~~

12 ~~(51) Sale or delivery of drug paraphernalia.~~

13 ~~(52) Felony possession, sale, or exchange of~~
14 ~~instruments adapted for use of a controlled substance,~~
15 ~~methamphetamine, or cannabis by subcutaneous injection.~~

16 ~~(53) Any violation of the Methamphetamine Control and~~
17 ~~Community Protection Act.~~

18 ~~(d) Notwithstanding subsection (c), the Department may~~
19 ~~make an exception and issue a new foster family home license or~~
20 ~~may renew an existing foster family home license of an~~
21 ~~applicant who was convicted of an offense described in~~
22 ~~subsection (c), provided all of the following requirements are~~
23 ~~met:~~

24 ~~(1) The relevant criminal offense or offenses occurred~~
25 ~~more than 10 years prior to the date of application or~~
26 ~~renewal.~~

1 ~~(2) The applicant had previously disclosed the~~
2 ~~conviction or convictions to the Department for purposes of~~
3 ~~a background check.~~

4 ~~(3) After the disclosure, the Department either placed~~
5 ~~a child in the home or the foster family home license was~~
6 ~~issued.~~

7 ~~(4) During the background check, the Department had~~
8 ~~assessed and waived the conviction in compliance with the~~
9 ~~existing statutes and rules in effect at the time of the~~
10 ~~hire or licensure.~~

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

14 ~~(6) The applicant has a history of providing a safe,~~
15 ~~stable home environment and appears able to continue to~~
16 ~~provide a safe, stable home environment.~~

17 ~~(c) In evaluating the exception pursuant to subsections~~
18 ~~(b 2) and (d), the Department must carefully review any~~
19 ~~relevant documents to determine whether the applicant, despite~~
20 ~~the disqualifying convictions, poses a substantial risk to~~
21 ~~State resources or clients. In making such a determination, the~~
22 ~~following guidelines shall be used:~~

23 ~~(1) the age of the applicant when the offense was~~
24 ~~committed;~~

25 ~~(2) the circumstances surrounding the offense;~~

26 ~~(3) the length of time since the conviction;~~

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

6 ~~(5) the applicant's employment references;~~

7 ~~(6) the applicant's character references and any~~
8 ~~certificates of achievement;~~

9 ~~(7) an academic transcript showing educational~~
10 ~~attainment since the disqualifying conviction;~~

11 ~~(8) a Certificate of Relief from Disabilities or~~
12 ~~Certificate of Good Conduct; and~~

13 ~~(9) anything else that speaks to the applicant's~~
14 ~~character.~~

15 (Source: P.A. 99-143, eff. 7-27-15.)".