

1 AN ACT in relation to conviction information.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Illinois Uniform Conviction Information  
5 Act is amended by changing Section 3 as follows:

6 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

7 Sec. 3. Definitions. Whenever used in this Act, and for  
8 the purposes of this Act, unless the context clearly  
9 indicates otherwise:

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

12 (B) The phrase "administer the criminal laws" includes  
13 any of the following activities: intelligence gathering,  
14 surveillance, criminal investigation, crime detection and  
15 prevention (including research), apprehension, detention,  
16 pretrial or post-trial release, prosecution, the correctional  
17 supervision or rehabilitation of accused persons or criminal  
18 offenders, criminal identification activities, or the  
19 collection, maintenance or dissemination of criminal history  
20 record information.

21 (C) "The Authority" means the Illinois Criminal Justice  
22 Information Authority.

23 (D) "Automated" means the utilization of computers,  
24 telecommunication lines, or other automatic data processing  
25 equipment for data collection or storage, analysis,  
26 processing, preservation, maintenance, dissemination, or  
27 display and is distinguished from a system in which such  
28 activities are performed manually.

29 (E) "Complete" means accurately reflecting all the  
30 criminal history record information about an individual that  
31 is required to be reported to the Department pursuant to

1 Section 2.1 of the Criminal Identification Act.

2 (F) "Conviction information" means data reflecting a  
3 judgment of guilt or nolo contendere. The term includes all  
4 prior and subsequent criminal history events directly  
5 relating to such judgments, such as, but not limited to: (1)  
6 the notation of arrest; (2) the notation of charges filed;  
7 (3) the sentence imposed; (4) the fine imposed; and (5) all  
8 related probation, parole, and release information.  
9 Information ceases to be "conviction information" when a  
10 judgment of guilt is reversed or vacated.

11 For purposes of this Act, continuances to a date certain  
12 in furtherance of an order of supervision granted under  
13 Section 5-6-1 of the Unified Code of Corrections or an order  
14 of probation granted under either Section 10 of the Cannabis  
15 Control Act, Section 410 of the Illinois Controlled  
16 Substances Act, Section 12-4.3 of the Criminal Code of 1961,  
17 Section 10-102 of the Illinois Alcoholism and Other Drug  
18 Dependency Act, Section 40-10 of the Alcoholism and Other  
19 Drug Abuse and Dependency Act, or Section 10 of the Steroid  
20 Control Act shall not be deemed "conviction information".

21 (G) "Criminal history record information" means data  
22 identifiable to an individual and consisting of descriptions  
23 or notations of arrests, detentions, indictments,  
24 informations, pretrial proceedings, trials, or other formal  
25 events in the criminal justice system or descriptions or  
26 notations of criminal charges (including criminal violations  
27 of local municipal ordinances) and the nature of any  
28 disposition arising from criminal charges therefrom,  
29 including sentencing, court or correctional supervision,  
30 rehabilitation and release. The term does not apply to  
31 statistical records and reports in which individual are not  
32 identified and from which their identities are not  
33 ascertainable, or to information that is for criminal  
34 investigative or intelligence purposes.

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

9           (I) "The Department" means the Illinois Department of  
10 State Police.

11           (J) "Director" means the Director of the Illinois  
12 Department of State Police.

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

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

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

23           (M-5) "Request" means the submission to the Department,  
24 in the form and manner required, the necessary data elements  
25 or fingerprints, or both, to allow the Department to initiate  
26 a search of its criminal history record information files.

27           (N) "Requester" means any private individual,  
28 corporation, organization, employer, employment agency, labor  
29 organization, or non-criminal justice agency that has made a  
30 request pursuant to this Act to obtain conviction information  
31 maintained in the files of the Department of State Police  
32 regarding a particular individual.

33           (O) "Statistical information" means data from which the  
34 identity of an individual cannot be ascertained,

1 reconstructed, or verified and to which the identity of an  
2 individual cannot be linked by the recipient of the  
3 information.

4 (Source: P.A. 88-368; 88-670, eff. 12-2-94.)