

AN ACT concerning education.

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

Section 1. Short title. This Act may be cited as the Medical School Matriculant Criminal History Records Check Act.

Section 5. Definitions.

"Matriculant" means an individual who is conditionally admitted as a student to a medical school located in Illinois, pending the medical school's consideration of his or her criminal history records check under this Act.

"Sex offender" means any person who is convicted pursuant to Illinois law or any substantially similar federal, Uniform Code of Military Justice, sister state, or foreign country law with any of the following sex offenses set forth in the Criminal Code of 1961:

- (1) Indecent solicitation of a child.
- (2) Sexual exploitation of a child.
- (3) Custodial sexual misconduct.
- (4) Exploitation of a child.
- (5) Child pornography.

"Violent felony" means any of the following offenses, as defined by the Criminal Code of 1961:

- (1) First degree murder.
- (2) Second degree murder.
- (3) Predatory criminal sexual assault of a child.
- (4) Aggravated criminal sexual assault.
- (5) Criminal sexual assault.
- (6) Aggravated arson.
- (7) Aggravated kidnapping.
- (8) Kidnapping.
- (9) Aggravated battery resulting in great bodily harm or permanent disability or disfigurement.

Section 10. Criminal history records check for matriculants. A medical school located in Illinois must require that each matriculant submit to a fingerprint-based criminal history records check for violent felony convictions and any adjudication of the matriculant as a sex offender conducted by the Department of State Police and the Federal Bureau of Investigation as part of the medical school admissions process. A medical school shall forward the name, sex, race, date of birth, social security number, and fingerprints of each of its matriculants to the Department of State Police to be searched against the Statewide Sex Offender Database and the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The fingerprints of each matriculant must be submitted in the form and manner prescribed by the Department of State Police. The Department of State Police shall furnish, pursuant to positive identification, records of a matriculant's violent felony convictions and any record of a matriculant's adjudication as a sex offender to the medical school that requested the criminal history records check.

Section 15. Fees. The Department of State Police shall charge each requesting medical school a fee for conducting the criminal history records check under Section 10 of this Act, which shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. Each requesting medical school is solely responsible for payment of this fee to the Department of State Police. Each medical school may impose its own fee upon a matriculant to cover the cost of the criminal history records check at the time the matriculant submits to the criminal history records check.

Section 20. Admissions decision. The information collected under this Act as a result of the criminal history records check must be considered by the requesting medical school in

determining whether or not to officially admit a matriculant. Upon a medical school's evaluation of a matriculant's criminal history records check, a matriculant who has been convicted of a violent felony conviction or adjudicated a sex offender may be precluded from gaining official admission to that medical school; however, a violent felony conviction or an adjudication as a sex offender shall not serve as an automatic bar to official admission to a medical school located in Illinois.

Section 25. Civil immunity. Except for wilful or wanton misconduct, no medical school acting under the provisions of this Act shall be civilly liable to any matriculant for any decision made pursuant to Section 20 of this Act.

Section 30. Applicability. This Act applies only to matriculants who are conditionally admitted to a medical school located in Illinois on or after the effective date of this Act.

Section 90. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-327 as follows:

(20 ILCS 2605/2605-327 new)

Sec. 2605-327. Conviction and sex offender information for medical school. Upon the request of a medical school under the Medical School Matriculant Criminal History Records Check Act, to ascertain whether a matriculant of the medical school has been convicted of any violent felony or has been adjudicated a sex offender. The Department shall furnish this information to the medical school that requested the information.

Pursuant to the Medical School Matriculant Criminal History Records Check Act, the Department shall conduct a fingerprint-based criminal history records check of the Statewide Sex Offender Database, the Illinois criminal history records database, and the Federal Bureau of Investigation criminal history records database. The Department may charge

the requesting medical school a fee for conducting the fingerprint-based criminal history records check. The fee shall not exceed the cost of the inquiry and shall be deposited into the State Police Services Fund.

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