

1 AN ACT concerning State government.

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

4 Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by changing Section
6 2605-335 as follows:

7 (20 ILCS 2605/2605-335) (was 20 ILCS 2605/55a in part)

8 Sec. 2605-335. Conviction information for private child
9 services or charitable organization.

10 (a) Upon the request of any private organization that
11 devotes a major portion of its time to the provision of
12 recreational, social, educational, or child safety services to
13 children, to conduct, pursuant to positive identification,
14 criminal background investigations of all of that
15 organization's current employees, current volunteers,
16 prospective employees, or prospective volunteers charged with
17 the care and custody of children during the provision of the
18 organization's services, and to report to the requesting
19 organization any record of convictions maintained in the
20 Department's files about those persons. The Department shall
21 charge an application fee, based on actual costs, for the
22 dissemination of conviction information pursuant to this
23 Section. The Department is empowered to establish this fee and
24 shall prescribe the form and manner for requesting and
25 furnishing conviction information pursuant to this Section.

26 Information received by the organization from the
27 Department concerning an individual shall be provided to the
28 individual. Any such information obtained by the organization
29 shall be confidential and may not be transmitted outside the
30 organization and may not be transmitted to anyone within the
31 organization except as needed for the purpose of evaluating the
32 individual. Only information and standards that bear a

1 reasonable and rational relation to the performance of child
2 care shall be used by the organization.

3 (b) Upon the request of any private organization that
4 collects, solicits, distributes, or otherwise has care or
5 control over funds to be used for any purpose recognized as
6 charitable under the General Not For Profit Corporation Act of
7 1986 or the United States Internal Revenue Code, pursuant to
8 positive identification, to conduct criminal background
9 investigations of all of that organization's current
10 employees, current volunteers, prospective employees, or
11 prospective volunteers charged with responsibility for any
12 aspect of the organization's funding or finances, and to report
13 to the requesting organization any record of convictions
14 maintained in the Department's files about those persons. The
15 Department shall charge an application fee, based on actual
16 costs, for the dissemination of conviction information
17 pursuant to this Section. The Department is empowered to
18 establish this fee and shall prescribe the form and manner for
19 requesting and furnishing conviction information pursuant to
20 this Section.

21 Information received by the organization from the
22 Department concerning an individual shall be provided to the
23 individual. Information obtained by the organization is
24 confidential and may not be transmitted outside of the
25 organization or to anyone within the organization, except as
26 needed for the purpose of evaluating the individual. Only
27 information and standards that bear a reasonable and rational
28 relation to a felony or to any criminal offense relating to
29 dishonesty or breach of trust shall be used by the
30 organization.

31 (c) Any employee of the Department or any member, employee,
32 or volunteer of the organization receiving confidential
33 information under this Section who gives or causes to be given
34 any confidential information concerning any criminal
35 convictions of an individual shall be guilty of a Class A
36 misdemeanor unless release of the information is authorized by

1 this Section.

2 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
3 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
4 eff. 8-14-98; 91-239, eff. 1-1-00.)