



Rep. Joyce Mason

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10400HB5099ham001

LRB104 18527 KTG 35709 a

1 AMENDMENT TO HOUSE BILL 5099

2 AMENDMENT NO. _____. Amend House Bill 5099 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Identification Act is amended by
5 changing Section 2.1 and by adding Section 3.4 as follows:

6 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

7 (Text of Section before amendment by P.A. 104-459)

8 Sec. 2.1. For the purpose of maintaining complete and
9 accurate criminal records of the Illinois State Police, it is
10 necessary for all policing bodies of this State, the clerk of
11 the circuit court, the Illinois Department of Corrections, the
12 sheriff of each county, and State's Attorney of each county to
13 submit certain criminal arrest, charge, and disposition
14 information to the Illinois State Police for filing at the
15 earliest time possible. Unless otherwise noted herein, it
16 shall be the duty of all policing bodies of this State, the

1 clerk of the circuit court, the Illinois Department of
2 Corrections, the sheriff of each county, and the State's
3 Attorney of each county to report such information as provided
4 in this Section, both in the form and manner required by the
5 Illinois State Police and within 30 days of the criminal
6 history event. Specifically:

7 (a) Arrest Information. All agencies making arrests
8 for offenses which are required by statute to be
9 collected, maintained or disseminated by the Illinois
10 State Police shall be responsible for furnishing daily to
11 the Illinois State Police fingerprints, charges and
12 descriptions of all persons who are arrested for such
13 offenses. All such agencies shall also notify the Illinois
14 State Police of all decisions by the arresting agency not
15 to refer such arrests for prosecution. With approval of
16 the Illinois State Police, an agency making such arrests
17 may enter into arrangements with other agencies for the
18 purpose of furnishing daily such fingerprints, charges and
19 descriptions to the Illinois State Police upon its behalf.

20 (b) Charge Information. The State's Attorney of each
21 county shall notify the Illinois State Police of all
22 charges filed and all petitions filed alleging that a
23 minor is delinquent, including all those added subsequent
24 to the filing of a case, and whether charges were not filed
25 in cases for which the Illinois State Police has received
26 information required to be reported pursuant to paragraph

1 (a) of this Section. With approval of the Illinois State
2 Police, the State's Attorney may enter into arrangements
3 with other agencies for the purpose of furnishing the
4 information required by this subsection (b) to the
5 Illinois State Police upon the State's Attorney's behalf.

6 (c) Disposition Information. The clerk of the circuit
7 court of each county shall furnish the Illinois State
8 Police, in the form and manner required by the Supreme
9 Court, with all final dispositions of cases for which the
10 Illinois State Police has received information required to
11 be reported pursuant to paragraph (a) or (d) of this
12 Section. Such information shall include, for each charge,
13 all (1) judgments of not guilty, judgments of guilty
14 including the sentence pronounced by the court with
15 statutory citations to the relevant sentencing provision,
16 findings that a minor is delinquent and any sentence made
17 based on those findings, discharges and dismissals in the
18 court; (2) reviewing court orders filed with the clerk of
19 the circuit court which reverse or remand a reported
20 conviction or findings that a minor is delinquent or that
21 vacate or modify a sentence or sentence made following a
22 trial that a minor is delinquent; (3) continuances to a
23 date certain in furtherance of an order of supervision
24 granted under Section 5-6-1 of the Unified Code of
25 Corrections or an order of probation granted under Section
26 10 of the Cannabis Control Act, Section 410 of the

1 Illinois Controlled Substances Act, Section 70 of the
2 Methamphetamine Control and Community Protection Act,
3 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
4 the Criminal Code of 1961 or the Criminal Code of 2012,
5 Section 10-102 of the Illinois Alcoholism and Other Drug
6 Dependency Act, Section 40-10 of the Substance Use
7 Disorder Act, Section 10 of the Steroid Control Act, or
8 Section 5-615 of the Juvenile Court Act of 1987; (4)
9 judgments or court orders terminating or revoking a
10 sentence to or juvenile disposition of probation,
11 supervision or conditional discharge and any resentencing
12 or new court orders entered by a juvenile court relating
13 to the disposition of a minor's case involving delinquency
14 after such revocation; and (5) in any case in which a
15 firearm is alleged to have been used in the commission of
16 an offense, the serial number of any firearm involved in
17 the case, or if the serial number was obliterated, as
18 provided by the State's Attorney to the clerk of the
19 circuit court at the time of disposition.

20 (d) Fingerprints After Sentencing.

21 (1) After the court pronounces sentence, sentences
22 a minor following a trial in which a minor was found to
23 be delinquent or issues an order of supervision or an
24 order of probation granted under Section 10 of the
25 Cannabis Control Act, Section 410 of the Illinois
26 Controlled Substances Act, Section 70 of the

1 Methamphetamine Control and Community Protection Act,
2 Section 12-4.3 or subdivision (b)(1) of Section
3 12-3.05 of the Criminal Code of 1961 or the Criminal
4 Code of 2012, Section 10-102 of the Illinois
5 Alcoholism and Other Drug Dependency Act, Section
6 40-10 of the Substance Use Disorder Act, Section 10 of
7 the Steroid Control Act, or Section 5-615 of the
8 Juvenile Court Act of 1987 for any offense which is
9 required by statute to be collected, maintained, or
10 disseminated by the Illinois State Police, the State's
11 Attorney of each county shall ask the court to order a
12 law enforcement agency to fingerprint immediately all
13 persons appearing before the court who have not
14 previously been fingerprinted for the same case. The
15 court shall so order the requested fingerprinting, if
16 it determines that any such person has not previously
17 been fingerprinted for the same case. The law
18 enforcement agency shall submit such fingerprints to
19 the Illinois State Police daily.

20 (2) After the court pronounces sentence or makes a
21 disposition of a case following a finding of
22 delinquency for any offense which is not required by
23 statute to be collected, maintained, or disseminated
24 by the Illinois State Police, the prosecuting attorney
25 may ask the court to order a law enforcement agency to
26 fingerprint immediately all persons appearing before

1 the court who have not previously been fingerprinted
2 for the same case. The court may so order the requested
3 fingerprinting, if it determines that any so sentenced
4 person has not previously been fingerprinted for the
5 same case. The law enforcement agency may retain such
6 fingerprints in its files.

7 (e) Corrections Information. The Illinois Department
8 of Corrections and the sheriff of each county shall
9 furnish the Illinois State Police with all information
10 concerning the receipt, escape, execution, death, release,
11 pardon, parole, commutation of sentence, granting of
12 executive clemency or discharge of an individual who has
13 been sentenced or committed to the agency's custody for
14 any offenses which are mandated by statute to be
15 collected, maintained or disseminated by the Illinois
16 State Police. For an individual who has been charged with
17 any such offense and who escapes from custody or dies
18 while in custody, all information concerning the receipt
19 and escape or death, whichever is appropriate, shall also
20 be so furnished to the Illinois State Police.

21 (f) Confidentiality of information. Information
22 reported to the Illinois State Police under this Act is
23 confidential and shall not be released unless expressly
24 permitted by State or federal law.

25 (Source: P.A. 104-5, eff. 1-1-26.)

1 (Text of Section after amendment by P.A. 104-459)

2 Sec. 2.1. For the purpose of maintaining complete and
3 accurate criminal records of the Illinois State Police, it is
4 necessary for all policing bodies of this State, the clerk of
5 the circuit court, the Illinois Department of Corrections, the
6 sheriff of each county, and State's Attorney of each county to
7 submit certain criminal arrest, charge, and disposition
8 information to the Illinois State Police for filing at the
9 earliest time possible. Unless otherwise noted herein, it
10 shall be the duty of all policing bodies of this State, the
11 clerk of the circuit court, the Illinois Department of
12 Corrections, the sheriff of each county, and the State's
13 Attorney of each county to report such information as provided
14 in this Section, both in the form and manner required by the
15 Illinois State Police and within 30 days of the criminal
16 history event. Specifically:

17 (a) Arrest Information. All agencies making arrests
18 for offenses which are required by statute to be
19 collected, maintained or disseminated by the Illinois
20 State Police shall be responsible for furnishing daily to
21 the Illinois State Police fingerprints, charges and
22 descriptions of all persons who are arrested for such
23 offenses. All such agencies shall also notify the Illinois
24 State Police of all decisions by the arresting agency not
25 to refer such arrests for prosecution. With approval of
26 the Illinois State Police, an agency making such arrests

1 may enter into arrangements with other agencies for the
2 purpose of furnishing daily such fingerprints, charges and
3 descriptions to the Illinois State Police upon its behalf.

4 (b) Charge Information. The State's Attorney of each
5 county shall notify the Illinois State Police of all
6 charges filed and all petitions filed alleging that a
7 minor is delinquent, including all those added subsequent
8 to the filing of a case, and whether charges were not filed
9 in cases for which the Illinois State Police has received
10 information required to be reported pursuant to paragraph
11 (a) of this Section. With approval of the Illinois State
12 Police, the State's Attorney may enter into arrangements
13 with other agencies for the purpose of furnishing the
14 information required by this subsection (b) to the
15 Illinois State Police upon the State's Attorney's behalf.

16 (c) Disposition Information. The clerk of the circuit
17 court of each county shall furnish the Illinois State
18 Police, in the form and manner required by the Supreme
19 Court, with all final dispositions of cases for which the
20 Illinois State Police has received information required to
21 be reported pursuant to paragraph (a) or (d) of this
22 Section. Such information shall include, for each charge,
23 all (1) judgments of not guilty, judgments of guilty
24 including the sentence pronounced by the court with
25 statutory citations to the relevant sentencing provision,
26 findings that a minor is delinquent and any sentence made

1 based on those findings, discharges and dismissals in the
2 court; (2) reviewing court orders filed with the clerk of
3 the circuit court which reverse or remand a reported
4 conviction or findings that a minor is delinquent or that
5 vacate or modify a sentence or sentence made following a
6 trial that a minor is delinquent; (3) continuances to a
7 date certain in furtherance of an order of supervision
8 granted under Section 5-6-1 of the Unified Code of
9 Corrections or an order of probation granted under Section
10 of the Cannabis Control Act, Section 410 of the
11 Illinois Controlled Substances Act, Section 70 of the
12 Methamphetamine Control and Community Protection Act,
13 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of
14 the Criminal Code of 1961 or the Criminal Code of 2012,
15 Section 10-102 of the Illinois Alcoholism and Other Drug
16 Dependency Act, Section 40-10 of the Substance Use
17 Disorder Act, Section 10 of the Steroid Control Act, or
18 Section 5-615 of the Juvenile Court Act of 1987; (4)
19 judgments or court orders terminating or revoking a
20 sentence to or juvenile disposition of probation,
21 supervision or conditional discharge, judgment or court
22 orders of discharge from probation or conditional
23 discharge, and any resentencing or new court orders
24 entered by a juvenile court relating to the disposition of
25 a minor's case involving delinquency after such
26 revocation; and (5) in any case in which a firearm is

1 alleged to have been used in the commission of an offense,
2 the serial number of any firearm involved in the case, or
3 if the serial number was obliterated, as provided by the
4 State's Attorney to the clerk of the circuit court at the
5 time of disposition. The Illinois State Police may provide
6 reports of cases with missing disposition information to
7 the clerk of the circuit court. Each clerk of the circuit
8 court receiving a report of cases with missing disposition
9 information shall respond within 30 days after receiving
10 the report unless the volume of records in the report
11 renders that timeline impracticable.

12 (d) Fingerprints After Sentencing.

13 (1) After the court pronounces sentence, sentences
14 a minor following a trial in which a minor was found to
15 be delinquent or issues an order of supervision or an
16 order of probation granted under Section 10 of the
17 Cannabis Control Act, Section 410 of the Illinois
18 Controlled Substances Act, Section 70 of the
19 Methamphetamine Control and Community Protection Act,
20 Section 12-4.3 or subdivision (b)(1) of Section
21 12-3.05 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, Section 10-102 of the Illinois
23 Alcoholism and Other Drug Dependency Act, Section
24 40-10 of the Substance Use Disorder Act, Section 10 of
25 the Steroid Control Act, or Section 5-615 of the
26 Juvenile Court Act of 1987 for any offense which is

1 required by statute to be collected, maintained, or
2 disseminated by the Illinois State Police, the State's
3 Attorney of each county shall ask the court to order a
4 law enforcement agency to fingerprint immediately all
5 persons appearing before the court who have not
6 previously been fingerprinted for the same case. The
7 court shall so order the requested fingerprinting, if
8 it determines that any such person has not previously
9 been fingerprinted for the same case. The law
10 enforcement agency shall submit such fingerprints to
11 the Illinois State Police daily.

12 (2) After the court pronounces sentence or makes a
13 disposition of a case following a finding of
14 delinquency for any offense which is not required by
15 statute to be collected, maintained, or disseminated
16 by the Illinois State Police, the prosecuting attorney
17 may ask the court to order a law enforcement agency to
18 fingerprint immediately all persons appearing before
19 the court who have not previously been fingerprinted
20 for the same case. The court may so order the requested
21 fingerprinting, if it determines that any so sentenced
22 person has not previously been fingerprinted for the
23 same case. The law enforcement agency may retain such
24 fingerprints in its files.

25 (e) Corrections Information. The Illinois Department
26 of Corrections and the sheriff of each county shall

1 furnish the Illinois State Police with all information
2 concerning the receipt, escape, execution, death, release,
3 pardon, parole, commutation of sentence, granting of
4 executive clemency or discharge of an individual who has
5 been sentenced or committed to the agency's custody for
6 any offenses which are mandated by statute to be
7 collected, maintained or disseminated by the Illinois
8 State Police. For an individual who has been charged with
9 any such offense and who escapes from custody or dies
10 while in custody, all information concerning the receipt
11 and escape or death, whichever is appropriate, shall also
12 be so furnished to the Illinois State Police.

13 (f) Any entity required to report information
14 concerning criminal arrests, charges, and dispositions
15 pursuant to Section 2.1 or 5 of this Act shall respond to
16 any notice advising the entity of missing or incomplete
17 information or an error in the reporting of the
18 information as follows:

19 (1) Responses shall be made within 30 days after
20 the notice from the Illinois State Police unless the
21 volume of records in the report renders that timeline
22 impracticable.

23 (2) Responses shall include the missing or
24 incomplete information, correction of the error or an
25 explanation detailing the reason the information
26 cannot be provided or corrected, and an estimated

1 timeframe for compliance.

2 (g) Confidentiality of information. Information
3 reported to the Illinois State Police under this Act is
4 confidential and shall not be released unless expressly
5 permitted by State or federal law.

6 (Source: P.A. 104-5, eff. 1-1-26; 104-459, eff. 6-1-26.)

7 (20 ILCS 2630/3.4 new)

8 Sec. 3.4. Criminal history background checks for qualified
9 entities.

10 (a) The National Child Protection Act of 1993, as amended
11 by the Volunteers for Children Act and the Child Protection
12 Improvements Act of 2018, authorizes states to allow
13 nationwide background checks for individuals who have access
14 to children through qualified entities, including businesses
15 and organizations under contract with qualified entities to
16 work with vulnerable populations. It is hereby declared as a
17 matter of legislative determination that in order to promote
18 and protect the health, safety, and welfare of children, the
19 elderly, and individuals with disabilities, it is necessary
20 and in the public interest to allow nationwide background
21 checks as authorized by the National Child Protection Act of
22 1993, as amended by the Volunteers for Children Act and the
23 Child Protection Improvements Act of 2018.

24 (b) As used in this Section:

25 "Applicant" includes any person who:

1 (1) is employed by or seeks employment with a
2 qualified entity;

3 (2) is licensed or seeks licensure with a qualified
4 entity;

5 (3) volunteers or seeks to volunteer with a qualified
6 entity; or

7 (4) is contracted with or seeks to contract with a
8 qualified entity to provide care or care placement
9 services.

10 "Care" means the provision of care, treatment, education,
11 training, instruction, supervision, or recreation to children,
12 the elderly, or individuals with disabilities.

13 "Qualified entity" means a business or organization,
14 whether public, private, operated for profit, operated not for
15 profit, or voluntary, which provides care or care placement
16 services, including a business, organization, or governmental
17 agency that licenses or certifies others to provide care or
18 care placement services for children, the elderly, or
19 individuals with disabilities.

20 (c) The Illinois State Police shall conduct a State and
21 national criminal history background check on an applicant if
22 a qualified entity submits:

23 (1) a request to the Illinois State Police to perform
24 a State and national background check on the applicant in
25 a form and manner prescribed by the Illinois State Police,
26 which includes a statement containing the name, address,

1 and date of birth appearing on a valid identification card
2 or document issued by the State to the applicant;

3 (2) a waiver on a form approved by the Illinois State
4 Police that is signed by the applicant allowing the
5 release of the State and national criminal history record
6 information to the qualified entity;

7 (3) the applicant's fingerprints in an electronic
8 format that complies with the form and manner for
9 requesting and furnishing criminal history record
10 information prescribed by the Illinois State Police; and

11 (4) any fee prescribed by the Illinois State Police.

12 (d) The Illinois State Police may charge a fee for
13 conducting a background check under this Section. The fee
14 shall be deposited into the State Police Services Fund and
15 shall not exceed the actual cost of the records check.

16 (e) The Illinois State Police shall ensure that the
17 applicant is provided written notice of the applicant's right
18 to obtain a copy of all records that the Illinois State Police
19 shall provide to the qualified entity. If the Illinois State
20 Police receives notice from the applicant that the applicant
21 wants a copy of the records provided to the qualified entity,
22 then the Illinois State Police shall provide the applicant
23 with a copy of all the records that the Illinois State Police
24 provided to the qualified entity.

25 (f) The Illinois State Police shall ensure that the
26 applicant is provided written notice of the applicant's right

1 to challenge any records that the Illinois State Police shall
2 provide to the qualified entity and the procedures for
3 correcting or updating the records. The Illinois State Police
4 shall make a determination of the validity of a challenge
5 concerning Illinois records made by the applicant. If the
6 Illinois State Police determines that the Illinois records
7 provided to a qualified entity were inaccurate, then the
8 Illinois State Police shall provide updated records to the
9 qualified entity and the applicant.

10 (g) A criminal background check conducted under this
11 Section does not constitute compliance with any background
12 check required by law.

13 (h) Upon positive identification, the Illinois State
14 Police shall provide the qualified entity with records of the
15 applicant's conviction of or entry of a plea of guilty or nolo
16 contendere, finding of guilt, jury verdict, or entry of
17 judgment or sentencing, including, but not limited to,
18 convictions, preceding sentences of supervision, conditional
19 discharge, or first offender probation, under the laws of any
20 jurisdiction of the United States that is a felony or crime
21 directly related to providing care.

22 (i) Nothing in this Section shall be interpreted to
23 require the Illinois State Police to make an eligibility
24 determination on behalf of any qualified entity.

25 (j) Any information received by a qualified entity under
26 this Section shall be used solely for internal purposes in

1 determining the suitability of an applicant. The dissemination
2 of criminal history information from the Federal Bureau of
3 Investigation beyond the authorized state agency or qualified
4 entity is prohibited. All criminal record check information
5 shall be confidential.

6 (k) Nothing in this Section shall be interpreted to expand
7 a government agency's or qualified entity's authority to
8 access juvenile, sealed, or expunged records as established by
9 State and federal law.

10 (l) Fingerprints submitted under this Section shall be
11 transmitted through a livescan fingerprint vendor licensed by
12 the Department of Financial and Professional Regulation. The
13 fingerprints submitted under this Section shall be checked
14 against the records, now and hereafter filed, in the Illinois
15 State Police and Federal Bureau of Investigation criminal
16 history databases, including, but not limited to, civil,
17 criminal, and latent fingerprint databases. The fingerprints
18 shall be checked against the records in the Illinois State
19 Police databases prior to being submitted to the Federal
20 Bureau of Investigation.

21 (m) Contractors who have or seek to have a contract with a
22 qualified entity to provide care or care placement services
23 meet the definition of "employed by" for the purposes of the
24 National Child Protection Act of 1993, as amended by the
25 Volunteers for Children Act and the Child Protection
26 Improvements Act of 2018.

1 (n) The Illinois State Police may adopt rules to implement
2 this Section.

3 Section 10. The Child Care Act of 1969 is amended by
4 changing Section 4.1 as follows:

5 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

6 (Text of Section before amendment by P.A. 103-594)

7 Sec. 4.1. Criminal background investigations.

8 (a) In this Section, "third-party vendor" means a
9 third-party fingerprinting vendor who is licensed by the
10 Department of Financial and Professional Regulation and
11 regulated by 68 Ill. Adm. Code 1240.600.

12 (b) The Department shall require that each child care
13 facility license applicant as part of the application process,
14 and each employee and volunteer of a child care facility or
15 non-licensed service provider, as a condition of employment,
16 authorize an investigation to determine if such applicant,
17 employee, or volunteer has ever been charged with a crime and
18 if so, the disposition of those charges; this authorization
19 shall indicate the scope of the inquiry and the agencies which
20 may be contacted. An employee or volunteer of a day care
21 center, day care home, or group day care home shall authorize
22 an investigation every 5 years, as required under the Child
23 Care and Development Block Grant. A child care facility,
24 non-licensed service provider, day care center, group day care

1 home, or day care home may authorize the Department or a
2 third-party vendor to collect fingerprints for the
3 investigation. If a third-party vendor is used for
4 fingerprinting, then the child care facility, non-licensed
5 service provider, day care center, group day care home, or day
6 care home shall pay the third-party vendor for that service
7 directly. If a child care facility, non-licensed service
8 provider, day care center, group day care home, or day care
9 home authorizes the Department or a third-party vendor to
10 collect fingerprints for the investigation, the Director shall
11 request and receive information and assistance from any
12 federal, State, or local governmental agency as part of the
13 authorized investigation. Each applicant, employee, or
14 volunteer of a child care facility or non-licensed service
15 provider shall submit the applicant's, employee's, or
16 volunteer's fingerprints to the Illinois State Police in the
17 form and manner prescribed by the Illinois State Police. These
18 fingerprints shall be checked against the fingerprint records
19 now and hereafter filed in the Illinois State Police and
20 Federal Bureau of Investigation criminal history records
21 databases. The Illinois State Police shall charge a fee for
22 conducting the criminal history records check, which shall be
23 deposited into ~~in~~ the State Police Services Fund and shall not
24 exceed the actual cost of the records check. The Illinois
25 State Police shall provide information concerning any criminal
26 charges, and their disposition, now or hereafter filed,

1 against an applicant, employee, or volunteer of a child care
2 facility or non-licensed service provider upon request of the
3 Department of Children and Family Services when the request is
4 made in the form and manner required by the Illinois State
5 Police.

6 Information concerning convictions of a license applicant,
7 employee, or volunteer of a child care facility or
8 non-licensed service provider investigated under this Section,
9 including the source of the information and any conclusions or
10 recommendations derived from the information, shall be
11 provided, upon request, to such applicant, employee, or
12 volunteer of a child care facility or non-licensed service
13 provider prior to final action by the Department on the
14 application. State conviction information provided by the
15 Illinois State Police regarding employees, prospective
16 employees, or volunteers of non-licensed service providers and
17 child care facilities licensed under this Act shall be
18 provided to the operator of such facility, and, upon request,
19 to the employee, prospective employee, or volunteer of a child
20 care facility or non-licensed service provider. Any
21 information concerning criminal charges and the disposition of
22 such charges obtained by the Department shall be confidential
23 and may not be transmitted outside the Department, except as
24 required herein, and may not be transmitted to anyone within
25 the Department except as needed for the purpose of evaluating
26 an application or an employee or volunteer of a child care

1 facility or non-licensed service provider. Only information
2 and standards which bear a reasonable and rational relation to
3 the performance of a child care facility shall be used by the
4 Department or any licensee. Any employee of the Department of
5 Children and Family Services, Illinois State Police, or a
6 child care facility receiving confidential information under
7 this Section who gives or causes to be given any confidential
8 information concerning any criminal convictions of an
9 applicant, employee, or volunteer of a child care facility or
10 non-licensed service provider, shall be guilty of a Class A
11 misdemeanor unless release of such information is authorized
12 by this Section.

13 The Department of Children and Family Services, through
14 June 30, 2026, or the Department of Early Childhood, on and
15 after July 1, 2026, shall allow day care centers, day care
16 homes, and group day care homes to hire, on a probationary
17 basis, any employee or volunteer authorizing a criminal
18 background investigation under this Section after receiving a
19 qualifying result, as determined by the Department of Children
20 and Family Services or the Department of Early Childhood,
21 whichever is applicable, pursuant to this Act, from either:

22 (1) the Federal Bureau of Investigation fingerprint
23 criminal background check; or

24 (2) the Illinois State Police fingerprint criminal
25 background check and a criminal record check of the
26 criminal repository of each state in which the employee or

1 volunteer resided during the preceding 5 years.

2 Pending full clearance of all background check
3 requirements, the prospective employee or volunteer must be
4 supervised at all times by an individual who received a
5 qualifying result on all background check components.
6 Employees and volunteers of a day care center, day care home,
7 or group day care home shall be notified prior to hiring that
8 such employment may be terminated on the basis of criminal
9 background information obtained by the facility.

10 (Source: P.A. 103-22, eff. 8-8-23; 103-1072, eff. 1-1-26;
11 104-307, eff. 1-1-26; revised 10-27-25.)

12 (Text of Section after amendment by P.A. 103-594)

13 Sec. 4.1. Criminal background investigations.

14 (a) In this Section, "third-party vendor" means a
15 third-party fingerprinting vendor who is licensed by the
16 Department of Financial and Professional Regulation and
17 regulated by 68 Ill. Adm. Code 1240.600.

18 (b) The Department of Children and Family Services or the
19 Department of Early Childhood shall require that each child
20 care facility license applicant under the agencies' respective
21 authority as part of the application process, and each
22 employee and volunteer of a child care facility or
23 non-licensed service provider, as a condition of employment,
24 authorize an investigation to determine if such applicant,
25 employee, or volunteer has ever been charged with a crime and

1 if so, the disposition of those charges; this authorization
2 shall indicate the scope of the inquiry and the agencies which
3 may be contacted. An employee or volunteer of a day care
4 center, day care home, or group day care home shall authorize
5 an investigation every 5 years, as required under the Child
6 Care and Development Block Grant. A child care facility,
7 non-licensed service provider, day care center, group day care
8 home, or day care home may authorize the Department of
9 Children and Family Services, the Department of Early
10 Childhood, or a third-party vendor to collect fingerprints for
11 the investigation. If a third-party vendor is used for
12 fingerprinting, then the child care facility, non-licensed
13 service provider, day care center, group day care home, or day
14 care home shall pay the third-party vendor for that service
15 directly. If a child care facility, non-licensed service
16 provider, day care center, group day care home, or day care
17 home authorizes the Department of Children and Family
18 Services, the Department of Early Childhood, or a third-party
19 vendor to collect fingerprints for the investigation, the
20 Director of Children and Family Services or the Secretary of
21 Early Childhood shall request and receive information and
22 assistance from any federal, State, or local governmental
23 agency as part of the authorized investigation. Each
24 applicant, employee, or volunteer of a child care facility or
25 non-licensed service provider shall submit the applicant's,
26 employee's, or volunteer's fingerprints to the Illinois State

1 Police in the form and manner prescribed by the Illinois State
2 Police. These fingerprints shall be checked against the
3 fingerprint records now and hereafter filed in the Illinois
4 State Police and Federal Bureau of Investigation criminal
5 history records databases. The Illinois State Police shall
6 charge a fee for conducting the criminal history records
7 check, which shall be deposited into ~~in~~ the State Police
8 Services Fund and shall not exceed the actual cost of the
9 records check. The Illinois State Police shall provide
10 information concerning any criminal charges, and their
11 disposition, now or hereafter filed, against an applicant,
12 employee, or volunteer of a child care facility or
13 non-licensed service provider upon request of the Department
14 of Children and Family Services or the Department of Early
15 Childhood when the request is made in the form and manner
16 required by the Illinois State Police.

17 Information concerning convictions of a license applicant,
18 employee, or volunteer of a child care facility or
19 non-licensed service provider investigated under this Section,
20 including the source of the information and any conclusions or
21 recommendations derived from the information, shall be
22 provided, upon request, to such applicant, employee, or
23 volunteer of a child care facility or non-licensed service
24 provider prior to final action by the Department of Children
25 and Family Services or the Department of Early Childhood under
26 the agencies' respective authority on the application. State

1 conviction information provided by the Illinois State Police
2 regarding employees, prospective employees, or volunteers of
3 non-licensed service providers and child care facilities
4 licensed under this Act shall be provided to the operator of
5 such facility, and, upon request, to the employee, prospective
6 employee, or volunteer of a child care facility or
7 non-licensed service provider. Any information concerning
8 criminal charges and the disposition of such charges obtained
9 by the Department of Children and Family Services or the
10 Department of Early Childhood shall be confidential and may
11 not be transmitted outside the Department of Children and
12 Family Services or the Department of Early Childhood, except
13 as required herein, and may not be transmitted to anyone
14 within the Department of Children and Family Services or the
15 Department of Early Childhood except as needed for the purpose
16 of evaluating an application or an employee or volunteer of a
17 child care facility or non-licensed service provider. Only
18 information and standards which bear a reasonable and rational
19 relation to the performance of a child care facility shall be
20 used by the Department of Children and Family Services or the
21 Department of Early Childhood or any licensee. Any employee of
22 the Department of Children and Family Services, Department of
23 Early Childhood, Illinois State Police, or a child care
24 facility receiving confidential information under this Section
25 who gives or causes to be given any confidential information
26 concerning any criminal convictions of an applicant, employee,

1 or volunteer of a child care facility or non-licensed service
2 provider, shall be guilty of a Class A misdemeanor unless
3 release of such information is authorized by this Section.

4 The Department of Children and Family Services, through
5 June 30, 2027 ~~2026~~, or the Department of Early Childhood, on
6 and after July 1, 2027 ~~2026~~, shall allow day care centers, day
7 care homes, and group day care homes to hire, on a probationary
8 basis, any employee or volunteer authorizing a criminal
9 background investigation under this Section after receiving a
10 qualifying result, as determined by the Department of Children
11 and Family Services or the Department of Early Childhood,
12 whichever is applicable, pursuant to this Act, from either:

13 (1) the Federal Bureau of Investigation fingerprint
14 criminal background check; or

15 (2) the Illinois State Police fingerprint criminal
16 background check and a criminal record check of the
17 criminal repository of each state in which the employee or
18 volunteer resided during the preceding 5 years.

19 Pending full clearance of all background check
20 requirements, the prospective employee or volunteer must be
21 supervised at all times by an individual who received a
22 qualifying result on all background check components.
23 Employees and volunteers of a day care center, day care home,
24 or group day care home shall be notified prior to hiring that
25 such employment may be terminated on the basis of criminal
26 background information obtained by the facility.

1 Beginning July 1, 2027, the authority and responsibility
2 to conduct a fingerprint-based criminal history check on
3 providers of day care at day care centers defined under
4 Section 2.09, part day child care facilities defined under
5 Section 2.10, day care homes defined under Section 2.18, and
6 group day care homes defined under Section 2.20 shall transfer
7 to the Department of Early Childhood in accordance with
8 Section 80-5 of the Department of Early Childhood Act.

9 (Source: P.A. 103-22, eff. 8-8-23; 103-594, eff. 7-1-26;
10 103-1072, eff. 1-1-26; 104-307, eff. 1-1-26; revised
11 10-27-25.)

12 Section 15. The Department of Early Childhood Act is
13 amended by changing Sections 10-15 and 20-25 as follows:

14 (325 ILCS 3/10-15)

15 Sec. 10-15. Definitions. As used in this Act:

16 (a) "Eligible infants and toddlers" means infants and
17 toddlers under 36 months of age with any of the following
18 conditions:

19 (1) Developmental delays.

20 (2) A physical or mental condition which typically
21 results in developmental delay.

22 (3) Being at risk of having substantial developmental
23 delays based on informed clinical opinion.

24 (4) Either (A) having entered the program under any of

1 the circumstances listed in paragraphs (1) through (3) of
2 this subsection but no longer meeting the current
3 eligibility criteria under those paragraphs, and
4 continuing to have any measurable delay, or (B) not having
5 attained a level of development in each area, including
6 (i) cognitive, (ii) physical (including vision and
7 hearing), (iii) language, speech, and communication, (iv)
8 social or emotional, or (v) adaptive, that is at least at
9 the mean of the child's age equivalent peers; and, in
10 addition to either item (A) or item (B), (C) having been
11 determined by the multidisciplinary individualized family
12 service plan team to require the continuation of early
13 intervention services in order to support continuing
14 developmental progress, pursuant to the child's needs and
15 provided in an appropriate developmental manner. The type,
16 frequency, and intensity of services shall differ from the
17 initial individualized family services plan because of the
18 child's developmental progress, and may consist of only
19 service coordination, evaluation, and assessments.

20 "Eligible infants and toddlers" includes any child under
21 the age of 3 who is the subject of a substantiated case of
22 child abuse or neglect as defined in the federal Child Abuse
23 Prevention and Treatment Act.

24 (b) "Developmental delay" means a delay in one or more of
25 the following areas of childhood development as measured by
26 appropriate diagnostic instruments and standard procedures:

1 cognitive; physical, including vision and hearing; language,
2 speech and communication; social or emotional; or adaptive.
3 The term means a delay of 30% or more below the mean in
4 function in one or more of those areas.

5 (c) "Physical or mental condition which typically results
6 in developmental delay" means:

7 (1) a diagnosed medical disorder or exposure to a
8 toxic substance bearing a relatively well known expectancy
9 for developmental outcomes within varying ranges of
10 developmental disabilities; or

11 (2) a history of prenatal, perinatal, neonatal or
12 early developmental events suggestive of biological
13 insults to the developing central nervous system and which
14 either singly or collectively increase the probability of
15 developing a disability or delay based on a medical
16 history.

17 (d) "Informed clinical opinion" means both clinical
18 observations and parental participation to determine
19 eligibility by a consensus of a multidisciplinary team of 2 or
20 more members based on their professional experience and
21 expertise.

22 (e) "Early intervention services" means services which:

23 (1) are designed to meet the developmental needs of
24 each child eligible under this Act and the needs of his or
25 her family;

26 (2) are selected in collaboration with the child's

1 family;

2 (3) are provided under public supervision;

3 (4) are provided at no cost except where a schedule of
4 sliding scale fees or other system of payments by families
5 has been adopted in accordance with State and federal law;

6 (5) are designed to meet an infant's or toddler's
7 developmental needs in any of the following areas:

8 (A) physical development, including vision and
9 hearing,

10 (B) cognitive development,

11 (C) communication development,

12 (D) social or emotional development, or

13 (E) adaptive development;

14 (6) meet the standards of the State, including the
15 requirements of this Act;

16 (7) include one or more of the following:

17 (A) family training,

18 (B) social work services, including counseling,
19 and home visits,

20 (C) special instruction,

21 (D) speech, language pathology and audiology,

22 (E) occupational therapy,

23 (F) physical therapy,

24 (G) psychological services,

25 (H) service coordination services,

26 (I) medical services only for diagnostic or

1 evaluation purposes,

2 (J) early identification, screening, and
3 assessment services,

4 (K) health services specified by the lead agency
5 as necessary to enable the infant or toddler to
6 benefit from the other early intervention services,

7 (L) vision services,

8 (M) transportation,

9 (N) assistive technology devices and services,

10 (O) nursing services,

11 (P) nutrition services, and

12 (Q) sign language and cued language services;

13 (8) are provided by qualified personnel, including but
14 not limited to:

15 (A) child development specialists or special
16 educators, including teachers of children with hearing
17 impairments (including deafness) and teachers of
18 children with vision impairments (including
19 blindness),

20 (B) speech and language pathologists and
21 audiologists,

22 (C) occupational therapists,

23 (D) physical therapists,

24 (E) social workers,

25 (F) nurses,

26 (G) dietitian nutritionists,

1 (H) vision specialists, including ophthalmologists
2 and optometrists,

3 (I) psychologists, and

4 (J) physicians;

5 (9) are provided in conformity with an Individualized
6 Family Service Plan;

7 (10) are provided throughout the year; and

8 (11) are provided in natural environments, to the
9 maximum extent appropriate, which may include the home and
10 community settings, unless justification is provided
11 consistent with federal regulations adopted under Sections
12 1431 through 1444 of Title 20 of the United States Code.

13 (f) "Individualized Family Service Plan" or "Plan" means a
14 written plan for providing early intervention services to a
15 child eligible under this Act and the child's family, as set
16 forth in Section 10-65.

17 (g) "Local interagency agreement" means an agreement
18 entered into by local community and State and regional
19 agencies receiving early intervention funds directly from the
20 State and made in accordance with State interagency agreements
21 providing for the delivery of early intervention services
22 within a local community area.

23 (h) "Council" means the Illinois Interagency Council on
24 Early Intervention established under Section 10-30.

25 (i) "Lead agency" means the Department of Early Childhood
26 which is the State agency responsible for administering this

1 Act and receiving and disbursing public funds received in
2 accordance with State and federal law and rules.

3 (i-5) "Central billing office" means the central billing
4 office created by the lead agency under Section 10-75.

5 (j) "Child find" means a service which identifies eligible
6 infants and toddlers.

7 (k) "Regional intake entity" means the lead agency's
8 designated entity responsible for implementation of the Early
9 Intervention Services System within its designated geographic
10 area.

11 (l) "Early intervention provider" means an individual who
12 is qualified, as defined by the lead agency, to provide one or
13 more types of early intervention services, and who has
14 enrolled as a provider in the early intervention program.

15 (m) "Fully credentialed early intervention provider" means
16 an individual who has met the standards in the State
17 applicable to the relevant profession, and has met such other
18 qualifications as the lead agency has determined are suitable
19 for personnel providing early intervention services, including
20 pediatric experience, education, and continuing education. The
21 lead agency shall establish these qualifications by rule filed
22 no later than 180 days after the effective date of this Act.

23 (n) "Telehealth" has the meaning given to that term in
24 Section 5 of the Telehealth Act.

25 (o) "Department" means Department of Early Childhood
26 unless otherwise specified.

1 (Source: P.A. 103-594, eff. 6-25-24.)

2 (325 ILCS 3/20-25)

3 Sec. 20-25. Licensing day care facilities.

4 (a) Beginning July 1, 2024, the Department of Early
5 Childhood and the Department of Children and Family Services
6 shall collaborate and plan for the transition of
7 administrative responsibilities related to licensing day care
8 centers, day care homes, and group day care homes as
9 prescribed throughout the Child Care Act of 1969.

10 (b) Beginning July 1, 2026, the Department of Early
11 Childhood shall manage all facets of licensing for day care
12 centers, day care homes, and group day care homes as
13 prescribed throughout the Child Care Act of 1969.

14 (c) Beginning July 1, 2027, the authority and
15 responsibility to conduct a fingerprint-based criminal history
16 check on providers of day care at day care centers defined
17 under Section 2.09 of the Child Care Act of 1969, part day
18 child care facilities defined under Section 2.10 of the Child
19 Care Act of 1969, day care homes defined under Section 2.18 of
20 the Child Care Act of 1969, and group day care homes defined
21 under Section 2.20 of the Child Care Act of 1969 shall transfer
22 to the Department of Early Childhood in accordance with
23 Section 80-5 of this Act.

24 (Source: P.A. 103-594, eff. 6-25-24.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law, except that Section 10 takes effect July 1, 2026
10 and Section 15 takes effect July 1, 2027.".