

1 AN ACT concerning park districts.

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

4 Section 5. The Park District Code is amended by changing  
5 Section 8-23 as follows:

6 (70 ILCS 1205/8-23)

7 Sec. 8-23. Criminal background investigations.

8 (a) An applicant for employment with a park district is  
9 required as a condition of employment to authorize an  
10 investigation to determine if the applicant has been  
11 convicted of any of the enumerated criminal or drug offenses  
12 in subsection (c) of this Section or has been convicted,  
13 within 7 years of the application for employment with the  
14 park district, of any other felony under the laws of this  
15 State or of any offense committed or attempted in any other  
16 state or against the laws of the United States that, if  
17 committed or attempted in this State, would have been  
18 punishable as a felony under the laws of this State.  
19 Authorization for the investigation shall be furnished by the  
20 applicant to the park district. Upon receipt of this  
21 authorization, the park district shall submit the applicant's  
22 name, sex, race, date of birth, and social security number to  
23 the Department of State Police on forms prescribed by the  
24 Department of State Police. The Department of State Police  
25 shall conduct a search of the Illinois criminal history  
26 records database to ascertain if the applicant being  
27 considered for employment has been convicted of committing or  
28 attempting to commit any of the enumerated criminal or drug  
29 offenses in subsection (c) of this Section or has been  
30 convicted of committing or attempting to commit, within 7  
31 years of the application for employment with the park

1 district, any other felony under the laws of this State. The  
2 Department of State Police shall charge the park district a  
3 fee for conducting the investigation, which fee shall be  
4 deposited in the State Police Services Fund and shall not  
5 exceed the cost of the inquiry. The applicant shall not be  
6 charged a fee by the park district for the investigation.

7 (b) If the search of the Illinois criminal history  
8 record database indicates that the applicant has been  
9 convicted of committing or attempting to commit any of the  
10 enumerated criminal or drug offenses in subsection (c) or has  
11 been convicted of committing or attempting to commit, within  
12 7 years of the application for employment with the park  
13 district, any other felony under the laws of this State, the  
14 Department of State Police and the Federal Bureau of  
15 Investigation shall furnish, pursuant to a fingerprint based  
16 background check, records of convictions, until expunged, to  
17 the president of the park district. Any information  
18 concerning the record of convictions obtained by the  
19 president shall be confidential and may only be transmitted  
20 to those persons who are necessary to the decision on whether  
21 to hire the applicant for employment. A copy of the record  
22 of convictions obtained from the Department of State Police  
23 shall be provided to the applicant for employment. Any  
24 person who releases any confidential information concerning  
25 any criminal convictions of an applicant for employment shall  
26 be guilty of a Class A misdemeanor, unless the release of  
27 such information is authorized by this Section.

28 (c) No park district shall knowingly employ a person who  
29 has been convicted for committing attempted first degree  
30 murder or for committing or attempting to commit first degree  
31 murder, a Class X felony, or any one or more of the following  
32 offenses: (i) those defined in Sections 11-6, 11-9, 11-14,  
33 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
34 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and

1 12-16 of the Criminal Code of 1961; (ii) those defined in the  
2 Cannabis Control Act, except those defined in Sections 4(a),  
3 4(b), and 5(a) of that Act; (iii) those defined in the  
4 Illinois Controlled Substances Act; and (iv) any offense  
5 committed or attempted in any other state or against the laws  
6 of the United States, which, if committed or attempted in  
7 this State, would have been punishable as one or more of the  
8 foregoing offenses. Further, no park district shall  
9 knowingly employ a person who has been found to be the  
10 perpetrator of sexual or physical abuse of any minor under 18  
11 years of age pursuant to proceedings under Article II of the  
12 Juvenile Court Act of 1987. No park district shall knowingly  
13 employ a person for whom a criminal background investigation  
14 has not been initiated.

15 (d) Notwithstanding subsection (c), no park district may  
16 discharge any employee of a park district child care facility  
17 or deny any applicant employment at a park district child  
18 care facility on the basis of a prior conviction for a drug  
19 offense if all of the following requirements are met:

20 (1) The relevant criminal offense or offenses  
21 occurred more than 10 years prior to the date of  
22 application or the discovery by the park district of the  
23 conviction;

24 (2) The applicant previously disclosed the  
25 conviction or convictions to the park district for  
26 purposes of a background check;

27 (3) During the background check, the park district  
28 assessed and waived the conviction in compliance with  
29 existing statutes and rules in effect at the time of the  
30 waiver;

31 (4) The applicant meets all other requirements and  
32 qualifications to be employed by the park district under  
33 this Act and under the park district's administrative  
34 rules; and

1           (5) The applicant has an appropriate employment  
2           history and appears able to provide a safe, stable child  
3           care environment.

4           (Source: P.A. 93-418, eff. 1-1-04.)