



Rep. John A. Fritchey

Filed: 3/26/2004

09300HB6951ham002

LRB093 21197 DRJ 49246 a

1 AMENDMENT TO HOUSE BILL 6951

2 AMENDMENT NO. _____. Amend House Bill 6951 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Department of State Police Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2605-323 as follows:

7 (20 ILCS 2605/2605-323 new)

8 Sec. 2605-323. Conviction information for Department of
9 Public Health. On the request of the Department of Public
10 Health, the Department of State Police shall conduct an inquiry
11 pursuant to Section 6.5 of the Youth Camp Act to ascertain
12 whether an employee of a youth camp or a person seeking
13 employment at a youth camp has been convicted of any offense
14 set forth in Section 6.5 of the Youth Camp Act. The Department
15 of State Police shall furnish the conviction information to the
16 Department of Public Health.

17 Section 10. The Youth Camp Act is amended by changing
18 Sections 3.01 and 6 and by adding Sections 3.01a, 3.01b, and
19 6.5 as follows:

20 (210 ILCS 100/3.01) (from Ch. 111 1/2, par. 549.3-01)

21 Sec. 3.01. Youth camp. "Youth camp ~~camp~~" means ~~any parcel~~
22 ~~of land having the general characteristics and features of a~~

1 ~~camp as the term is generally understood, used wholly or in~~
2 ~~part for recreational or instructional purposes and~~
3 ~~accommodating, for profit or under philanthropic or charitable~~
4 ~~auspices, 5 or more children under 18 years of age, apart from~~
5 ~~their parents, relatives or legal guardians for a period of 3~~
6 ~~or more consecutive days or 5 days during the calendar year or~~
7 ~~more. This site may be equipped with temporary or permanent~~
8 ~~buildings and may be operated as a day camp or as a resident~~
9 camp.

10 (Source: P.A. 78-715.)

11 (210 ILCS 100/3.01a new)

12 Sec. 3.01a. Day camp. "Day camp" means any business or
13 program operated wholly or in part for recreational or
14 instructional purposes and accommodating, for profit or under
15 philanthropic or charitable auspices, 5 or more children under
16 18 years of age, apart from their parents, relatives, or legal
17 guardians, whether operated by an individual, a private
18 organization, or a unit of local government or other public
19 entity. The term includes any such program operated for any
20 part of a day or for a longer period. The term does not include
21 any of the following: classroom-based summer instructional
22 programs; or schools subject to the School Code.

23 (210 ILCS 100/3.01b new)

24 Sec. 3.01b. Resident camp. "Resident camp" means any parcel
25 of land having the general characteristics and features of a
26 camp as the term is generally understood, used wholly or in
27 part for recreational or instructional purposes, whether
28 operated by an individual, a private organization, or a unit of
29 local government or other public entity, and accommodating, for
30 profit or under philanthropic or charitable auspices, 5 or more
31 children under 18 years of age, apart from their parents,
32 relatives, or legal guardians, for a period of 3 or more

1 consecutive days or 5 or more days during the calendar year.

2 (210 ILCS 100/6) (from Ch. 111 1/2, par. 549.6)

3 Sec. 6. Resident camp; construction permit. After
4 January 1, 2005 ~~1974~~, it shall be unlawful for any person to
5 construct any resident ~~youth~~ camp as herein defined unless he
6 holds a valid construction permit issued by the Department.
7 Construction permits shall be issued to the person identified
8 in the application for the specific construction described
9 therein and shall be valid for one year from date of issue. All
10 applications for a construction permit shall be made to the
11 Department on forms furnished by the Department and shall
12 contain the following:

13 (a) Name and address of applicant.

14 (b) The name and address of all persons having an interest
15 in the proposed resident ~~youth~~ camp.

16 (c) Location and legal description of the proposed resident
17 ~~youth~~ camp.

18 (d) Plans and specifications for the construction of the
19 proposed resident ~~youth~~ camp which shall include:

20 (1) The area and the dimensions of the tract of land;

21 (2) The location of roadways;

22 (3) The location of service buildings, sanitary stations,
23 and any other proposed structures or facilities;

24 (4) The location of water and sewer lines and rise pipes;

25 (5) Plans and specifications of food handling facilities,
26 water supply, refuse and sewage disposal facilities;

27 (6) Plans and specifications of all buildings constructed,
28 or to be constructed within the resident ~~youth~~ camp;

29 (7) The location and details of all lighting and electrical
30 systems;

31 (8) The location and description of all swimming and
32 bathing areas;

33 (e) The calendar months of the year during which the

1 applicant will operate the resident ~~youth~~ camp.

2 (f) A statement of the fire fighting facilities, public or
3 private, which are available to the resident ~~youth~~ camp.

4 (g) Such other information as may be required by rules
5 adopted by the Department hereunder.

6 (Source: P.A. 78-715.)

7 (210 ILCS 100/6.5 new)

8 Sec. 6.5. Youth camp employees; criminal history records
9 checks.

10 (a) After January 1, 2005, every person who is 18 years of
11 age or older and who is an employee of a licensee or a person
12 seeking employment with a licensee must, as a condition of such
13 employment, authorize a fingerprint-based criminal history
14 records check to determine whether the employee or person
15 seeking employment (i) has been convicted, after attaining the
16 age of 18 years, of any of the enumerated criminal or drug
17 offenses in subsection (c) of this Section or (ii) has been
18 convicted, after attaining the age of 18 years and within 7
19 years preceding the effective date of this amendatory Act of
20 the 93rd General Assembly or the date of the application for
21 employment with the licensee, whichever is earlier, of any
22 other felony under the laws of this State or of any offense
23 committed or attempted in any other state or against the laws
24 of the United States that, if committed or attempted in this
25 State, would have been punishable as a felony under the laws of
26 this State. Authorization for the criminal history records
27 check shall be furnished to the licensee by the employee or
28 person seeking employment. Upon receipt of this authorization,
29 the licensee, as a condition of licensure under this Act, shall
30 submit the applicant's name, sex, race, date of birth, social
31 security number, fingerprint images, and other identifiers as
32 prescribed by the Department of State Police to the Department
33 of Public Health, which shall then submit that information to

1 the Department of State Police in the form and manner
2 prescribed by the Department of State Police. The Department of
3 Public Health shall charge the licensee a fee for conducting
4 the criminal history records check, and the fee shall not
5 exceed the cost of processing the inquiry. Fees collected under
6 this subsection shall be deposited into the State Police
7 Services Fund. The licensee may not charge the employee or the
8 person seeking employment a fee for the criminal history
9 records check. The Department of Public Health shall promptly
10 notify the licensee that the Department has requested the
11 criminal history records check.

12 The Department of State Police and the Federal Bureau of
13 Investigation shall furnish to the Department of Public Health,
14 pursuant to a fingerprint-based criminal history records
15 check, records of convictions, until expunged, to ascertain
16 whether an employee of a licensee or a person seeking
17 employment with a licensee has been convicted, after attaining
18 the age of 18 years, of committing or attempting to commit any
19 of the enumerated criminal or drug offenses in subsection (c)
20 or has been convicted of committing or attempting to commit,
21 after attaining the age of 18 years and within 7 years
22 preceding the effective date of this amendatory Act of the 93rd
23 General Assembly or the date of the application for employment
24 with the licensee, whichever is earlier, any other felony under
25 the laws of this State or of any offense committed or attempted
26 in any other state or against the laws of the United States
27 that, if committed or attempted in this State, would have been
28 punishable as a felony under the laws of this State.

29 (b) Any information concerning the record of convictions
30 obtained by the Department of Public Health shall be
31 confidential and may be transmitted only to the licensee. A
32 copy of the record of convictions obtained from the Department
33 of State Police shall be provided to the employee or person
34 seeking employment. Any person who releases any confidential

1 information concerning any criminal convictions of an employee
2 of a licensee or a person seeking employment with a licensee is
3 guilty of a Class A misdemeanor, unless the release of such
4 information is authorized by this Section.

5 (c) A licensee may not knowingly employ a person who has
6 been convicted for committing attempted first degree murder or
7 for committing or attempting to commit first degree murder or a
8 Class X felony or any one or more of the following offenses:
9 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
10 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
11 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
12 Criminal Code of 1961; (ii) those defined in the Cannabis
13 Control Act except those defined in Sections 4(a), 4(b) and
14 5(a) of that Act; (iii) those defined in the Illinois
15 Controlled Substances Act; and (iv) any offense committed or
16 attempted in any other state or against the laws of the United
17 States that, if committed or attempted in this State, would
18 have been punishable as one or more of the foregoing offenses.
19 Further, a licensee may not knowingly employ a person who has
20 been found to be the perpetrator of sexual or physical abuse of
21 any minor under 18 years of age pursuant to proceedings under
22 Article II of the Juvenile Court Act of 1987.

23 (d) A licensee may not knowingly employ a person for whom a
24 criminal history records check has not been initiated under
25 this Section.

26 Section 90. The State Mandates Act is amended by adding
27 Section 8.28 as follows:

28 (30 ILCS 805/8.28 new)

29 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8
30 of this Act, no reimbursement by the State is required for the
31 implementation of any mandate created by this amendatory Act of
32 the 93rd General Assembly.

1 Section 99. Effective date. This Act takes effect January
2 1, 2005."