



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB3572

Introduced 2/24/2005, by Rep. John A. Fritchey

SYNOPSIS AS INTRODUCED:

20 ILCS 2605/2605-323 new
210 ILCS 100/3.01 from Ch. 111 1/2, par. 549.3-01
210 ILCS 100/3.01a new
210 ILCS 100/3.01b new
210 ILCS 100/6 from Ch. 111 1/2, par. 549.6
210 ILCS 100/6.5 new
30 ILCS 805/8.29 new

Amends the Department of State Police Law of the Civil Administrative Code of Illinois, the Youth Camp Act, and the State Mandates Act. In the Youth Camp Act, adds definitions of "resident camp" and "day camp" and provides that requirements relating to construction permits apply only to resident camps. Provides that youth camp employees age 18 or over must authorize a criminal history records check as a condition of employment and that youth camps must ensure that such checks are conducted with respect to their employees as a condition of licensure. Authorizes the Department of State Police to conduct such checks upon the request of the Department of Public Health. Provides that the unauthorized release of confidential information concerning a criminal conviction of an applicant for employment of a youth camp is a Class A misdemeanor. Provides that a youth camp may not knowingly employ as a counselor a person for whom a criminal history records check has not been initiated. Provides that the Department of Public Health shall charge a licensee a fee for the cost of conducting criminal history records checks, and makes those costs exempt from State reimbursement under the State Mandates Act. Effective January 1, 2006.

LRB094 06392 DRJ 36477 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning children.

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

1 camp.

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

3 (210 ILCS 100/3.01a new)

4 Sec. 3.01a. Day camp. "Day camp" means any business or
5 program operated wholly or in part for recreational or
6 instructional purposes and accommodating, for profit or under
7 philanthropic or charitable auspices, 5 or more children under
8 18 years of age, apart from their parents, relatives, or legal
9 guardians, whether operated by an individual, a private
10 organization, or a unit of local government or other public
11 entity. The term includes any such program operated for any
12 part of a day or for a longer period. The term does not include
13 any of the following: classroom-based summer instructional
14 programs; or schools subject to the School Code.

15 (210 ILCS 100/3.01b new)

16 Sec. 3.01b. Resident camp. "Resident camp" means any parcel
17 of land having the general characteristics and features of a
18 camp as the term is generally understood, used wholly or in
19 part for recreational or instructional purposes, whether
20 operated by an individual, a private organization, or a unit of
21 local government or other public entity, and accommodating, for
22 profit or under philanthropic or charitable auspices, 5 or more
23 children under 18 years of age, apart from their parents,
24 relatives, or legal guardians, for a period of 3 or more
25 consecutive days or 5 or more days during the calendar year.

26 (210 ILCS 100/6) (from Ch. 111 1/2, par. 549.6)

27 Sec. 6. Resident camp; construction permit. After
28 January 1, 2006 ~~1974~~, it shall be unlawful for any person to
29 construct any resident ~~youth~~ camp as herein defined unless he
30 holds a valid construction permit issued by the Department.
31 Construction permits shall be issued to the person identified
32 in the application for the specific construction described
33 therein and shall be valid for one year from date of issue. All

1 applications for a construction permit shall be made to the
2 Department on forms furnished by the Department and shall
3 contain the following:

4 (a) Name and address of applicant.

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

7 (c) Location and legal description of the proposed resident
8 ~~youth~~ camp.

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

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

12 (2) The location of roadways;

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

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

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

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

20 (7) The location and details of all lighting and electrical
21 systems;

22 (8) The location and description of all swimming and
23 bathing areas;

24 (e) The calendar months of the year during which the
25 applicant will operate the resident ~~youth~~ camp.

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

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

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

31 (210 ILCS 100/6.5 new)

32 Sec. 6.5. Youth camp employees; criminal history records
33 checks.

34 (a) After January 1, 2006, every person who is 18 years of
35 age or older and who is an employee of a licensee or a person

1 seeking employment with a licensee must, as a condition of such
2 employment, authorize a fingerprint-based criminal history
3 records check to determine whether the employee or person
4 seeking employment (i) has been convicted, after attaining the
5 age of 18 years, of any of the enumerated criminal or drug
6 offenses in subsection (c) of this Section or (ii) has been
7 convicted, after attaining the age of 18 years and within 7
8 years preceding the effective date of this amendatory Act of
9 the 94th General Assembly or the date of the application for
10 employment with the licensee, whichever is earlier, of any
11 other felony under the laws of this State or of any offense
12 committed or attempted in any other state or against the laws
13 of the United States that, if committed or attempted in this
14 State, would have been punishable as a felony under the laws of
15 this State. Authorization for the criminal history records
16 check shall be furnished to the licensee by the employee or
17 person seeking employment. Upon receipt of this authorization,
18 the licensee, as a condition of licensure under this Act, shall
19 submit the applicant's name, sex, race, date of birth, social
20 security number, fingerprint images, and other identifiers as
21 prescribed by the Department of State Police to the Department
22 of Public Health, which shall then submit that information to
23 the Department of State Police in the form and manner
24 prescribed by the Department of State Police. The Department of
25 Public Health shall charge the licensee a fee for conducting
26 the criminal history records check, and the fee shall not
27 exceed the cost of processing the inquiry. Fees collected under
28 this subsection shall be deposited into the State Police
29 Services Fund. The licensee may not charge the employee or the
30 person seeking employment a fee for the criminal history
31 records check. The Department of Public Health shall promptly
32 notify the licensee that the Department has requested the
33 criminal history records check.

34 The Department of State Police and the Federal Bureau of
35 Investigation shall furnish to the Department of Public Health,
36 pursuant to a fingerprint-based criminal history records

1 check, records of convictions, until expunged, to ascertain
2 whether an employee of a licensee or a person seeking
3 employment with a licensee has been convicted, after attaining
4 the age of 18 years, of committing or attempting to commit any
5 of the enumerated criminal or drug offenses in subsection (c)
6 or has been convicted of committing or attempting to commit,
7 after attaining the age of 18 years and within 7 years
8 preceding the effective date of this amendatory Act of the 94th
9 General Assembly or the date of the application for employment
10 with the licensee, whichever is earlier, any other felony under
11 the laws of this State or of any offense committed or attempted
12 in any other state or against the laws of the United States
13 that, if committed or attempted in this State, would have been
14 punishable as a felony under the laws of this State.

15 (b) Any information concerning the record of convictions
16 obtained by the Department of Public Health shall be
17 confidential and may be transmitted only to the licensee. A
18 copy of the record of convictions obtained from the Department
19 of State Police shall be provided to the employee or person
20 seeking employment. Any person who releases any confidential
21 information concerning any criminal convictions of an employee
22 of a licensee or a person seeking employment with a licensee is
23 guilty of a Class A misdemeanor, unless the release of such
24 information is authorized by this Section.

25 (c) A licensee may not knowingly employ a person who has
26 been convicted for committing attempted first degree murder or
27 for committing or attempting to commit first degree murder or a
28 Class X felony or any one or more of the following offenses:
29 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
30 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
31 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
32 Criminal Code of 1961; (ii) those defined in the Cannabis
33 Control Act except those defined in Sections 4(a), 4(b) and
34 5(a) of that Act; (iii) those defined in the Illinois
35 Controlled Substances Act; and (iv) any offense committed or
36 attempted in any other state or against the laws of the United

1 States that, if committed or attempted in this State, would
2 have been punishable as one or more of the foregoing offenses.
3 Further, a licensee may not knowingly employ a person who has
4 been found to be the perpetrator of sexual or physical abuse of
5 any minor under 18 years of age pursuant to proceedings under
6 Article II of the Juvenile Court Act of 1987.

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

10 Section 90. The State Mandates Act is amended by adding
11 Section 8.29 as follows:

12 (30 ILCS 805/8.29 new)

13 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
14 of this Act, no reimbursement by the State is required for the
15 implementation of any mandate created by this amendatory Act of
16 the 94th General Assembly.

17 Section 99. Effective date. This Act takes effect January
18 1, 2006.