



Sen. John J. Cullerton

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1 AMENDMENT TO SENATE BILL 3018

2 AMENDMENT NO. _____. Amend Senate Bill 3018 on page 1, by
3 inserting immediately below line 3, the following:

4 "Section 3. The Health Care Worker Background Check Act is
5 amended by changing Section 25 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Persons ineligible to be hired by health care
8 employers and long-term care facilities.

9 (a) After January 1, 1996, ~~or~~ January 1, 1997, or the
10 effective date of this amendatory Act of the 94th General
11 Assembly, as applicable, no health care employer shall
12 knowingly hire, employ, or retain any individual in a position
13 with duties involving direct care for clients, patients, or
14 residents, and no long-term care facility shall knowingly hire,
15 employ, or retain any individual in a position with duties that
16 involve or may involve contact with residents or access to the
17 living quarters or the financial, medical, or personal records
18 of residents, who has been convicted of committing or
19 attempting to commit one or more of the offenses defined in
20 Sections 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.1,
21 9-3.2, 9-3.3, 10-1, 10-2, 10-3, 10-3.1, 10-4, 10-5, 10-7, 11-6,
22 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2, 12-3, 12-3.1,
23 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-4.6,
24 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1, 16-1.3, 16A-3, 17-3,
2 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1,
3 24-1, 24-1.2, 24-1.5, or 33A-2 of the Criminal Code of 1961;
4 those provided in Section 4 of the Wrongs to Children Act;
5 those provided in Section 53 of the Criminal Jurisprudence Act;
6 those defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis
7 Control Act; those defined in the Methamphetamine Control and
8 Community Protection Act; or those defined in Sections 401,
9 401.1, 404, 405, 405.1, 407, or 407.1 of the Illinois
10 Controlled Substances Act, unless the applicant or employee
11 obtains a waiver pursuant to Section 40.

12 (a-1) After January 1, 2004, no health care employer shall
13 knowingly hire any individual in a position with duties
14 involving direct care for clients, patients, or residents, and
15 no long-term care facility shall knowingly hire any individual
16 in a position with duties that involve or may involve contact
17 with residents or access to the living quarters or the
18 financial, medical, or personal records of residents, who has
19 (i) been convicted of committing or attempting to commit one or
20 more of the offenses defined in Section 12-3.3, 12-4.2-5, 16-2,
21 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6,
22 24-3.2, or 24-3.3 of the Criminal Code of 1961; Section 4, 5,
23 6, 8, or 17.02 of the Illinois Credit Card and Debit Card Act;
24 or Section 5.1 of the Wrongs to Children Act; or (ii) violated
25 Section 10-5 of the Nursing and Advanced Practice Nursing Act.

26 A UCIA criminal history record check need not be redone for
27 health care employees who have been continuously employed by a
28 health care employer since January 1, 2004, but nothing in this
29 Section prohibits a health care employer from initiating a
30 criminal history check for these employees.

31 A health care employer is not required to retain an
32 individual in a position with duties involving direct care for
33 clients, patients, or residents, and no long-term care facility
34 is required to retain an individual in a position with duties

1 that involve or may involve contact with residents or access to
2 the living quarters or the financial, medical, or personal
3 records of residents, who has been convicted of committing or
4 attempting to commit one or more of the offenses enumerated in
5 this subsection.

6 (b) A health care employer shall not hire, employ, or
7 retain any individual in a position with duties involving
8 direct care of clients, patients, or residents, and no
9 long-term care facility shall knowingly hire, employ, or retain
10 any individual in a position with duties that involve or may
11 involve contact with residents or access to the living quarters
12 or the financial, medical, or personal records of residents, if
13 the health care employer becomes aware that the individual has
14 been convicted in another state of committing or attempting to
15 commit an offense that has the same or similar elements as an
16 offense listed in subsection (a) or (a-1), as verified by court
17 records, records from a state agency, or an FBI criminal
18 history record check. This shall not be construed to mean that
19 a health care employer has an obligation to conduct a criminal
20 history records check in other states in which an employee has
21 resided.

22 (Source: P.A. 93-224, eff. 7-18-03; 94-556, eff. 9-11-05;
23 94-665, eff. 1-1-06; revised 8-29-05.)"; and

24 on page 3, by inserting immediately below line 23, the
25 following:

26 "Section 10. The Sex Offender Registration Act is amended
27 by changing Section 2 as follows:

28 (730 ILCS 150/2) (from Ch. 38, par. 222)

29 Sec. 2. Definitions.

30 (A) As used in this Article, "sex offender" means any
31 person who is:

1 (1) charged pursuant to Illinois law, or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law, with a sex
4 offense set forth in subsection (B) of this Section or the
5 attempt to commit an included sex offense, and:

6 (a) is convicted of such offense or an attempt to
7 commit such offense; or

8 (b) is found not guilty by reason of insanity of
9 such offense or an attempt to commit such offense; or

10 (c) is found not guilty by reason of insanity
11 pursuant to Section 104-25(c) of the Code of Criminal
12 Procedure of 1963 of such offense or an attempt to
13 commit such offense; or

14 (d) is the subject of a finding not resulting in an
15 acquittal at a hearing conducted pursuant to Section
16 104-25(a) of the Code of Criminal Procedure of 1963 for
17 the alleged commission or attempted commission of such
18 offense; or

19 (e) is found not guilty by reason of insanity
20 following a hearing conducted pursuant to a federal,
21 Uniform Code of Military Justice, sister state, or
22 foreign country law substantially similar to Section
23 104-25(c) of the Code of Criminal Procedure of 1963 of
24 such offense or of the attempted commission of such
25 offense; or

26 (f) is the subject of a finding not resulting in an
27 acquittal at a hearing conducted pursuant to a federal,
28 Uniform Code of Military Justice, sister state, or
29 foreign country law substantially similar to Section
30 104-25(a) of the Code of Criminal Procedure of 1963 for
31 the alleged violation or attempted commission of such
32 offense; or

33 (2) certified as a sexually dangerous person pursuant
34 to the Illinois Sexually Dangerous Persons Act, or any

1 substantially similar federal, Uniform Code of Military
2 Justice, sister state, or foreign country law; or

3 (3) subject to the provisions of Section 2 of the
4 Interstate Agreements on Sexually Dangerous Persons Act;
5 or

6 (4) found to be a sexually violent person pursuant to
7 the Sexually Violent Persons Commitment Act or any
8 substantially similar federal, Uniform Code of Military
9 Justice, sister state, or foreign country law; or

10 (5) adjudicated a juvenile delinquent as the result of
11 committing or attempting to commit an act which, if
12 committed by an adult, would constitute any of the offenses
13 specified in item (B), (C), or (C-5) of this Section or a
14 violation of any substantially similar federal, Uniform
15 Code of Military Justice, sister state, or foreign country
16 law, or found guilty under Article V of the Juvenile Court
17 Act of 1987 of committing or attempting to commit an act
18 which, if committed by an adult, would constitute any of
19 the offenses specified in item (B), (C), or (C-5) of this
20 Section or a violation of any substantially similar
21 federal, Uniform Code of Military Justice, sister state, or
22 foreign country law.

23 Convictions that result from or are connected with the same
24 act, or result from offenses committed at the same time, shall
25 be counted for the purpose of this Article as one conviction.
26 Any conviction set aside pursuant to law is not a conviction
27 for purposes of this Article.

28 For purposes of this Section, "convicted" shall have the
29 same meaning as "adjudicated". For the purposes of this
30 Article, a person who is defined as a sex offender as a result
31 of being adjudicated a juvenile delinquent under paragraph (5)
32 of this subsection (A) upon attaining 17 years of age shall be
33 considered as having committed the sex offense on or after the
34 sex offender's 17th birthday. Registration of juveniles upon

1 attaining 17 years of age shall not extend the original
2 registration of 10 years from the date of conviction.

3 (B) As used in this Article, "sex offense" means:

4 (1) A violation of any of the following Sections of the
5 Criminal Code of 1961:

6 11-20.1 (child pornography),

7 11-6 (indecent solicitation of a child),

8 11-9.1 (sexual exploitation of a child),

9 11-9.2 (custodial sexual misconduct),

10 11-9.5 (sexual misconduct with a person with a
11 disability),

12 11-15.1 (soliciting for a juvenile prostitute),

13 11-18.1 (patronizing a juvenile prostitute),

14 11-17.1 (keeping a place of juvenile
15 prostitution),

16 11-19.1 (juvenile pimping),

17 11-19.2 (exploitation of a child),

18 12-13 (criminal sexual assault),

19 12-14 (aggravated criminal sexual assault),

20 12-14.1 (predatory criminal sexual assault of a
21 child),

22 12-15 (criminal sexual abuse),

23 12-16 (aggravated criminal sexual abuse),

24 12-33 (ritualized abuse of a child).

25 An attempt to commit any of these offenses.

26 (1.5) A violation of any of the following Sections of
27 the Criminal Code of 1961, when the victim is a person
28 under 18 years of age, the defendant is not a parent of the
29 victim, and the offense was committed on or after January
30 1, 1996:

31 10-1 (kidnapping),

32 10-2 (aggravated kidnapping),

33 10-3 (unlawful restraint),

34 10-3.1 (aggravated unlawful restraint).

1 An attempt to commit any of these offenses.

2 (1.6) First degree murder under Section 9-1 of the
3 Criminal Code of 1961, when the victim was a person under
4 18 years of age and the defendant was at least 17 years of
5 age at the time of the commission of the offense.

6 (1.7) (Blank).

7 (1.8) A violation or attempted violation of Section
8 11-11 (sexual relations within families) of the Criminal
9 Code of 1961, and the offense was committed on or after
10 June 1, 1997.

11 (1.9) Child abduction under paragraph (10) of
12 subsection (b) of Section 10-5 of the Criminal Code of 1961
13 committed by luring or attempting to lure a child under the
14 age of 16 into a motor vehicle, building, house trailer, or
15 dwelling place without the consent of the parent or lawful
16 custodian of the child for other than a lawful purpose and
17 the offense was committed on or after January 1, 1998.

18 (1.10) A violation or attempted violation of any of the
19 following Sections of the Criminal Code of 1961 when the
20 offense was committed on or after July 1, 1999:

21 10-4 (forcible detention, if the victim is under 18
22 years of age),

23 11-6.5 (indecent solicitation of an adult),

24 11-15 (soliciting for a prostitute, if the victim
25 is under 18 years of age),

26 11-16 (pandering, if the victim is under 18 years
27 of age),

28 11-18 (patronizing a prostitute, if the victim is
29 under 18 years of age),

30 11-19 (pimping, if the victim is under 18 years of
31 age).

32 (1.11) A violation or attempted violation of any of the
33 following Sections of the Criminal Code of 1961 when the
34 offense was committed on or after August 22, 2002:

1 11-9 (public indecency for a third or subsequent
2 conviction).

3 (1.12) A violation or attempted violation of Section
4 5.1 of the Wrongs to Children Act (permitting sexual abuse)
5 when the offense was committed on or after August 22, 2002.

6 (2) A violation of any former law of this State
7 substantially equivalent to any offense listed in
8 subsection (B) of this Section.

9 (C) A conviction for an offense of federal law, Uniform
10 Code of Military Justice, or the law of another state or a
11 foreign country that is substantially equivalent to any offense
12 listed in subsections (B), (C), and (E) of this Section shall
13 constitute a conviction for the purpose of this Article. A
14 finding or adjudication as a sexually dangerous person or a
15 sexually violent person under any federal law, Uniform Code of
16 Military Justice, or the law of another state or foreign
17 country that is substantially equivalent to the Sexually
18 Dangerous Persons Act or the Sexually Violent Persons
19 Commitment Act shall constitute an adjudication for the
20 purposes of this Article.

21 (C-5) A person at least 17 years of age at the time of the
22 commission of the offense who is convicted of first degree
23 murder under Section 9-1 of the Criminal Code of 1961, against
24 a person under 18 years of age, shall be required to register
25 for natural life. A conviction for an offense of federal,
26 Uniform Code of Military Justice, sister state, or foreign
27 country law that is substantially equivalent to any offense
28 listed in subsection (C-5) of this Section shall constitute a
29 conviction for the purpose of this Article. This subsection
30 (C-5) applies to a person who committed the offense before June
31 1, 1996 only if the person is incarcerated in an Illinois
32 Department of Corrections facility on August 20, 2004 (the
33 effective date of Public Act 93-977).

34 (D) As used in this Article, "law enforcement agency having

1 jurisdiction" means the Chief of Police in each of the
2 municipalities in which the sex offender expects to reside,
3 work, or attend school (1) upon his or her discharge, parole or
4 release or (2) during the service of his or her sentence of
5 probation or conditional discharge, or the Sheriff of the
6 county, in the event no Police Chief exists or if the offender
7 intends to reside, work, or attend school in an unincorporated
8 area. "Law enforcement agency having jurisdiction" includes
9 the location where out-of-state students attend school and
10 where out-of-state employees are employed or are otherwise
11 required to register.

12 (D-1) As used in this Article, "supervising officer" means
13 the assigned Illinois Department of Corrections parole agent or
14 county probation officer.

15 (E) As used in this Article, "sexual predator" means any
16 person who, after July 1, 1999, is:

17 (1) Convicted for an offense of federal, Uniform Code
18 of Military Justice, sister state, or foreign country law
19 that is substantially equivalent to any offense listed in
20 subsection (E) of this Section shall constitute a
21 conviction for the purpose of this Article. Convicted of a
22 violation or attempted violation of any of the following
23 Sections of the Criminal Code of 1961, if the conviction
24 occurred after July 1, 1999:

25 11-17.1 (keeping a place of juvenile
26 prostitution),

27 11-19.1 (juvenile pimping),

28 11-19.2 (exploitation of a child),

29 11-20.1 (child pornography),

30 12-13 (criminal sexual assault),

31 12-14 (aggravated criminal sexual assault),

32 12-14.1 (predatory criminal sexual assault of a
33 child),

34 12-16 (aggravated criminal sexual abuse),

1 12-33 (ritualized abuse of a child); or

2 (2) convicted of first degree murder under Section 9-1
3 of the Criminal Code of 1961, when the victim was a person
4 under 18 years of age and the defendant was at least 17
5 years of age at the time of the commission of the offense;
6 or

7 (3) certified as a sexually dangerous person pursuant
8 to the Sexually Dangerous Persons Act or any substantially
9 similar federal, Uniform Code of Military Justice, sister
10 state, or foreign country law; or

11 (4) found to be a sexually violent person pursuant to
12 the Sexually Violent Persons Commitment Act or any
13 substantially similar federal, Uniform Code of Military
14 Justice, sister state, or foreign country law; or

15 (5) convicted of a second or subsequent offense which
16 requires registration pursuant to this Act. The conviction
17 for the second or subsequent offense must have occurred
18 after July 1, 1999. For purposes of this paragraph (5),
19 "convicted" shall include a conviction under any
20 substantially similar Illinois, federal, Uniform Code of
21 Military Justice, sister state, or foreign country law.

22 (F) As used in this Article, "out-of-state student" means
23 any sex offender, as defined in this Section, or sexual
24 predator who is enrolled in Illinois, on a full-time or
25 part-time basis, in any public or private educational
26 institution, including, but not limited to, any secondary
27 school, trade or professional institution, or institution of
28 higher learning.

29 (G) As used in this Article, "out-of-state employee" means
30 any sex offender, as defined in this Section, or sexual
31 predator who works in Illinois, regardless of whether the
32 individual receives payment for services performed, for a
33 period of time of 10 or more days or for an aggregate period of
34 time of 30 or more days during any calendar year. Persons who

1 operate motor vehicles in the State accrue one day of
2 employment time for any portion of a day spent in Illinois.

3 (H) As used in this Article, "school" means any public or
4 private educational institution, including, but not limited
5 to, any elementary or secondary school, trade or professional
6 institution, or institution of higher education.

7 (I) As used in this Article, "fixed residence" means any
8 and all places that a sex offender resides for an aggregate
9 period of time of 5 or more days in a calendar year.

10 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
11 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; revised 8-19-05.)".