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09600HB5934ham001

LRB096 16082 RLJ 38224 a

1 AMENDMENT TO HOUSE BILL 5934

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5934 by replacing  
3 everything after the enacting clause with the following:

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 convicted  
11 of any of the enumerated criminal or drug offenses in  
12 subsection (c) of this Section or has been convicted, within 7  
13 years of the application for employment with the park district,  
14 of any other felony under the laws of this State or of any  
15 offense committed or attempted in any other state or against  
16 the laws of the United States that, if committed or attempted

1 in this State, would have been punishable as a felony under the  
2 laws of this State. Authorization for the investigation shall  
3 be furnished by the applicant to the park district. Upon  
4 receipt of this authorization, the park district shall submit  
5 the applicant's name, sex, race, date of birth, and social  
6 security number to the Department of State Police on forms  
7 prescribed by the Department of State Police. The Department of  
8 State Police shall conduct a search of the Illinois criminal  
9 history records database to ascertain if the applicant being  
10 considered for employment has been convicted of committing or  
11 attempting to commit any of the enumerated criminal or drug  
12 offenses in subsection (c) of this Section or has been  
13 convicted of committing or attempting to commit, within 7 years  
14 of the application for employment with the park district, any  
15 other felony under the laws of this State. The Department of  
16 State Police shall charge the park district a fee for  
17 conducting the investigation, which fee shall be deposited in  
18 the State Police Services Fund and shall not exceed the cost of  
19 the inquiry. The applicant shall not be charged a fee by the  
20 park district for the investigation.

21 (b) If the search of the Illinois criminal history record  
22 database indicates that the applicant has been convicted of  
23 committing or attempting to commit any of the enumerated  
24 criminal or drug offenses in subsection (c) or has been  
25 convicted of committing or attempting to commit, within 7 years  
26 of the application for employment with the park district, any

1 other felony under the laws of this State, the Department of  
2 State Police and the Federal Bureau of Investigation shall  
3 furnish, pursuant to a fingerprint based background check,  
4 records of convictions, until expunged, to the president of the  
5 park district. Any information concerning the record of  
6 convictions obtained by the president shall be confidential and  
7 may only be transmitted to those persons who are necessary to  
8 the decision on whether to hire the applicant for employment. A  
9 copy of the record of convictions obtained from the Department  
10 of State Police shall be provided to the applicant for  
11 employment. Any person who releases any confidential  
12 information concerning any criminal convictions of an  
13 applicant for employment shall be guilty of a Class A  
14 misdemeanor, unless the release of such information is  
15 authorized by this Section.

16 (c) No park district shall knowingly employ a person who  
17 has been convicted for committing attempted first degree murder  
18 or for committing or attempting to commit first degree murder,  
19 a Class X felony, or any one or more of the following offenses:  
20 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,  
21 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,  
22 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the  
23 Criminal Code of 1961; (ii) those defined in the Cannabis  
24 Control Act, except those defined in Sections 4(a), 4(b), and  
25 5(a) of that Act; (iii) those defined in the Illinois  
26 Controlled Substances Act; (iv) those defined in the

1 Methamphetamine Control and Community Protection Act; and (v)  
2 any offense committed or attempted in any other state or  
3 against the laws of the United States, which, if committed or  
4 attempted in this State, would have been punishable as one or  
5 more of the foregoing offenses. Further, no park district shall  
6 knowingly employ a person who has been found to be the  
7 perpetrator of sexual or physical abuse of any minor under 18  
8 years of age pursuant to proceedings under Article II of the  
9 Juvenile Court Act of 1987. No park district shall knowingly  
10 employ a person for whom a criminal background investigation  
11 has not been initiated.

12 (d) Notwithstanding subsection (c), no park district may  
13 discharge any employee of a park district on the basis of a  
14 prior conviction for a drug offense under the Cannabis Control  
15 Act if all of the following requirements are met:

16 (1) the employee was not sentenced to a period of  
17 incarceration as a result of his or her drug conviction;  
18 and

19 (2) the employee was convicted of violating the  
20 Cannabis Control Act more than 20 years prior to his or her  
21 employment with the park district.

22 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law."