



Sen. Matt Murphy

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1 AMENDMENT TO SENATE BILL 1677

2 AMENDMENT NO. _____. Amend Senate Bill 1677 by replacing
3 everything after the enacting clause with the following:

4 "Section 2. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-186 as follows:

7 (20 ILCS 2310/2310-186 new)

8 Sec. 2310-186. Criminal history record checks; task force.
9 The Department of Public Health in collaboration with the
10 Department of State Police shall create a task force to examine
11 the process used by State and local governmental agencies to
12 conduct criminal history record checks as a condition of
13 employment or approval to render provider services to such an
14 agency.

15 The task force shall be comprised of representatives from
16 State and local agencies that require an applicant to undergo a

1 fingerprint-based criminal history record check pursuant to
2 State or federal law or agencies that are contemplating such a
3 requirement. The task force shall include but need not be
4 limited to representatives from the Department of State Police,
5 the Illinois Criminal Justice Information Authority, the
6 Department of Children and Family Services, the Department of
7 Central Management Services, the Department of Healthcare and
8 Family Services, the Department of Financial and Professional
9 Regulation, the Department of Public Health, the Department of
10 Human Services, the Office of the Secretary of State, the
11 Illinois State Board of Education (whose representative or
12 representatives shall consult with the Regional Offices of
13 Education and representatives of 2 statewide teachers unions, a
14 statewide organization representing school principals, a
15 statewide school administrators organization, and school bus
16 companies), a large regional park district, and at least 2
17 statewide non-governmental, non-profit multi-issue advocacy
18 organizations to represent the interests of prospective
19 employers. The task force shall be chaired by 2
20 co-chairpersons, one appointed by the Director of Public Health
21 and the other appointed by the Director of State Police. The
22 task force members shall be appointed within 30 days after the
23 effective date of this amendatory Act of the 96th General
24 Assembly. The Department of Public Health and the Department of
25 State Police shall jointly provide administrative and staff
26 support to the task force as needed.

1 The task force shall review and make recommendations to
2 create a more centralized and coordinated process for
3 conducting criminal history record checks in order to reduce
4 duplication of effort and make better use of resources and more
5 efficient use of taxpayer dollars.

6 The task force shall provide a plan to revise the criminal
7 history record check process to the General Assembly by
8 February 1, 2010. The plan shall address the following issues:

9 (1) Identification of any areas of concern that have
10 been identified by stakeholders and task force members
11 regarding State- or federally-mandated criminal history
12 record checks.

13 (2) Evaluation of the feasibility of using an
14 applicant's initial criminal history record information
15 results for subsequent employment or licensing screening
16 purposes while protecting the confidentiality of the
17 applicant.

18 (3) Evaluation of the feasibility of centralizing the
19 screening of criminal history record information inquiry
20 responses.

21 (4) Identification and evaluation of existing
22 technologies that could be utilized to eliminate the need
23 for a subsequent fingerprint inquiry each time an applicant
24 changes employment or seeks a license requiring a criminal
25 history record inquiry.

26 (5) Identification of any areas where State- or

1 federally-mandated criminal history record checks can be
2 implemented in a more efficient and cost-effective manner.

3 (6) Evaluation of what other states and the federal
4 government are doing to address similar concerns.

5 (7) Identification of programs serving vulnerable
6 populations that do not currently require criminal history
7 record information to determine whether those programs
8 should be included in a centralized screening of criminal
9 history record information.

10 (8) Identification of any issues that agencies face in
11 interpreting criminal history records, such as
12 differentiating among types of dispositions, and
13 evaluation of how those records can be presented in a
14 format better tailored to non-law enforcement purposes.

15 (9) Ensuring that any centralized criminal history
16 records system discloses sealed criminal history records
17 only to those agencies authorized to receive those records
18 under Illinois law.

19 (10) Evaluation of the feasibility of instating a
20 process whereby agencies provide copies of the criminal
21 background check to applicants for the purpose of providing
22 applicants with the opportunity to assess the accuracy of
23 the records.

24 (11) Evaluation of the feasibility of adopting a
25 uniform procedure for obtaining disposition information
26 where an arrest or criminal charge is reported without

1 subsequent disposition.

2 (12) Preparation of a report for the General Assembly
3 proposing solutions that can be adopted to eliminate the
4 duplication of applicant fingerprint submissions and the
5 duplication of criminal records check response screening
6 efforts and to minimize the costs of conducting State and
7 FBI fingerprint-based inquiries in Illinois.

8 Section 5. The Illinois Public Aid Code is amended by
9 changing Section 9A-11.5 as follows:

10 (305 ILCS 5/9A-11.5)

11 Sec. 9A-11.5. Investigate child care providers.

12 (a) Any child care provider receiving funds from the child
13 care assistance program under this Code who is not required to
14 be licensed under the Child Care Act of 1969 shall, as a
15 condition of eligibility to participate in the child care
16 assistance program under this Code, authorize in writing on a
17 form prescribed by the Department of Children and Family
18 Services, periodic investigations of the Central Register, as
19 defined in the Abused and Neglected Child Reporting Act, to
20 ascertain if the child care provider has been determined to be
21 a perpetrator in an indicated report of child abuse or neglect.
22 The Department of Children and Family Services shall conduct an
23 investigation of the Central Register at the request of the
24 Department. ~~The Department shall request the Department of~~

1 ~~Children and Family Services to conduct periodic~~
2 ~~investigations of the Central Register.~~

3 (b) Any child care provider, other than a relative of the
4 child, receiving funds from the child care assistance program
5 under this Code who is not required to be licensed under the
6 Child Care Act of 1969 shall, as a condition of eligibility to
7 participate in the child care assistance program under this
8 Code, authorize in writing a fingerprint-based criminal
9 history record check to determine if the child care provider
10 has ever been convicted of a crime with respect to which the
11 conviction has not been overturned and the criminal records
12 have not been sealed or expunged. Upon this authorization, the
13 Department shall request and receive information and
14 assistance from any federal or State governmental agency as
15 part of the authorized criminal history record check. The
16 Department of State Police shall provide information
17 concerning any conviction that has not been overturned and with
18 respect to which the criminal records have not been sealed or
19 expunged, whether the conviction occurred before or on or after
20 the effective date of this amendatory Act of the 96th General
21 Assembly, of a child care provider upon the request of the
22 Department when the request is made in the form and manner
23 required by the Department of State Police. Any information
24 concerning convictions that have not been overturned and with
25 respect to which the criminal records have not been sealed or
26 expunged obtained by the Department is confidential and may not

1 be transmitted (i) outside the Department except as required in
2 this Section or (ii) to anyone within the Department except as
3 needed for the purposes of determining participation in the
4 child care assistance program. A copy of the criminal history
5 record check obtained from the Department of State Police shall
6 be provided to the unlicensed child care provider.

7 (c) The Department shall by rule determine when payment to
8 an unlicensed child care provider may be withheld if there is
9 an indicated finding against the provider based on the results
10 of the Central Register search, or a disqualifying criminal
11 conviction that has not been overturned and with respect to
12 which the criminal records have not been sealed or expunged
13 based on the results of the fingerprint-based criminal history
14 record check obtained by the Department in the Central
15 Register. Only information and standards which bear a
16 reasonable and rational relation to the performance of a child
17 care provider shall be used by the Department.

18 (Source: P.A. 92-825, eff. 8-21-02.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."