



Sen. William Delgado

Filed: 2/24/2012

09700SB2575sam001

LRB097 14103 CEL 66439 a

1 AMENDMENT TO SENATE BILL 2575

2 AMENDMENT NO. _____. Amend Senate Bill 2575 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Care Act of 1969 is amended by
5 changing Section 4.2 as follows:

6 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

7 Sec. 4.2. (a) No applicant may receive a license from the
8 Department and no person may be employed by a licensed child
9 care facility who refuses to authorize an investigation as
10 required by Section 4.1.

11 (b) In addition to the other provisions of this Section, no
12 applicant may receive a license from the Department and no
13 person may be employed by a child care facility licensed by the
14 Department who has been declared a sexually dangerous person
15 under "An Act in relation to sexually dangerous persons, and
16 providing for their commitment, detention and supervision",

1 approved July 6, 1938, as amended, or convicted of committing
2 or attempting to commit any of the following offenses
3 stipulated under the Criminal Code of 1961:

4 (1) murder;

5 (1.1) solicitation of murder;

6 (1.2) solicitation of murder for hire;

7 (1.3) intentional homicide of an unborn child;

8 (1.4) voluntary manslaughter of an unborn child;

9 (1.5) involuntary manslaughter;

10 (1.6) reckless homicide;

11 (1.7) concealment of a homicidal death;

12 (1.8) involuntary manslaughter of an unborn child;

13 (1.9) reckless homicide of an unborn child;

14 (1.10) drug-induced homicide;

15 (2) a sex offense under Article 11, except offenses
16 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
17 11-40, and 11-45;

18 (3) kidnapping;

19 (3.1) aggravated unlawful restraint;

20 (3.2) forcible detention;

21 (3.3) harboring a runaway;

22 (3.4) aiding and abetting child abduction;

23 (4) aggravated kidnapping;

24 (5) child abduction;

25 (6) aggravated battery of a child as described in
26 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

- 1 (7) criminal sexual assault;
- 2 (8) aggravated criminal sexual assault;
- 3 (8.1) predatory criminal sexual assault of a child;
- 4 (9) criminal sexual abuse;
- 5 (10) aggravated sexual abuse;
- 6 (11) heinous battery as described in Section 12-4.1 or
- 7 subdivision (a) (2) of Section 12-3.05;
- 8 (12) aggravated battery with a firearm as described in
- 9 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 10 (e) (4) of Section 12-3.05;
- 11 (13) tampering with food, drugs, or cosmetics;
- 12 (14) drug induced infliction of great bodily harm as
- 13 described in Section 12-4.7 or subdivision (g) (1) of
- 14 Section 12-3.05;
- 15 (15) hate crime;
- 16 (16) stalking;
- 17 (17) aggravated stalking;
- 18 (18) threatening public officials;
- 19 (19) home invasion;
- 20 (20) vehicular invasion;
- 21 (21) criminal transmission of HIV;
- 22 (22) criminal abuse or neglect of an elderly or
- 23 disabled person as described in Section 12-21 or subsection
- 24 (b) of Section 12-4.4a;
- 25 (23) child abandonment;
- 26 (24) endangering the life or health of a child;

1 (25) ritual mutilation;

2 (26) ritualized abuse of a child;

3 (27) an offense in any other jurisdiction the elements
4 of which are similar and bear a substantial relationship to
5 any of the foregoing offenses.

6 (b-1) In addition to the other provisions of this Section,
7 beginning January 1, 2004, no new applicant and, on the date of
8 licensure renewal, no current licensee may operate or receive a
9 license from the Department to operate, no person may be
10 employed by, and no adult person may reside in a child care
11 facility licensed by the Department who has been convicted of
12 committing or attempting to commit any of the following
13 offenses or an offense in any other jurisdiction the elements
14 of which are similar and bear a substantial relationship to any
15 of the following offenses:

16 (I) BODILY HARM

17 (1) Felony aggravated assault.

18 (2) Vehicular endangerment.

19 (3) Felony domestic battery.

20 (4) Aggravated battery.

21 (5) Heinous battery.

22 (6) Aggravated battery with a firearm.

23 (7) Aggravated battery of an unborn child.

24 (8) Aggravated battery of a senior citizen.

1 (9) Intimidation.

2 (10) Compelling organization membership of persons.

3 (11) Abuse and criminal neglect of a long term care
4 facility resident.

5 (12) Felony violation of an order of protection.

6 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

7 (1) Felony unlawful use of weapons.

8 (2) Aggravated discharge of a firearm.

9 (3) Reckless discharge of a firearm.

10 (4) Unlawful use of metal piercing bullets.

11 (5) Unlawful sale or delivery of firearms on the
12 premises of any school.

13 (6) Disarming a police officer.

14 (7) Obstructing justice.

15 (8) Concealing or aiding a fugitive.

16 (9) Armed violence.

17 (10) Felony contributing to the criminal delinquency
18 of a juvenile.

19 (III) DRUG OFFENSES

20 (1) Possession of more than 30 grams of cannabis.

21 (2) Manufacture of more than 10 grams of cannabis.

22 (3) Cannabis trafficking.

1 (4) Delivery of cannabis on school grounds.

2 (5) Unauthorized production of more than 5 cannabis
3 sativa plants.

4 (6) Calculated criminal cannabis conspiracy.

5 (7) Unauthorized manufacture or delivery of controlled
6 substances.

7 (8) Controlled substance trafficking.

8 (9) Manufacture, distribution, or advertisement of
9 look-alike substances.

10 (10) Calculated criminal drug conspiracy.

11 (11) Street gang criminal drug conspiracy.

12 (12) Permitting unlawful use of a building.

13 (13) Delivery of controlled, counterfeit, or
14 look-alike substances to persons under age 18, or at truck
15 stops, rest stops, or safety rest areas, or on school
16 property.

17 (14) Using, engaging, or employing persons under 18 to
18 deliver controlled, counterfeit, or look-alike substances.

19 (15) Delivery of controlled substances.

20 (16) Sale or delivery of drug paraphernalia.

21 (17) Felony possession, sale, or exchange of
22 instruments adapted for use of a controlled substance,
23 methamphetamine, or cannabis by subcutaneous injection.

24 (18) Felony possession of a controlled substance.

25 (19) Any violation of the Methamphetamine Control and
26 Community Protection Act.

1 (b-2) For child care facilities other than foster family
2 homes, the Department may issue a new child care facility
3 license to or renew the existing child care facility license of
4 an applicant, a person employed by a child care facility, or an
5 applicant who has an adult residing in a home child care
6 facility who was convicted of an offense described in
7 subsection (b-1), provided that all of the following
8 requirements are met:

9 (1) The relevant criminal offense occurred more than 5
10 years prior to the date of application or renewal, except
11 for drug offenses. The relevant drug offense must have
12 occurred more than 10 years prior to the date of
13 application or renewal, unless the applicant passed a drug
14 test, arranged and paid for by the child care facility, no
15 less than 5 years after the offense.

16 (2) The Department must conduct a background check and
17 assess all convictions and recommendations of the child
18 care facility to determine if waiver shall apply in
19 accordance with Department administrative rules and
20 procedures.

21 (3) The applicant meets all other requirements and
22 qualifications to be licensed as the pertinent type of
23 child care facility under this Act and the Department's
24 administrative rules.

25 (c) In addition to the other provisions of this Section, no
26 applicant may receive a license from the Department to operate

1 a foster family home, and no adult person may reside in a
2 foster family home licensed by the Department, who has been
3 convicted of committing or attempting to commit any of the
4 following offenses stipulated under the Criminal Code of 1961,
5 the Cannabis Control Act, the Methamphetamine Control and
6 Community Protection Act, and the Illinois Controlled
7 Substances Act:

8 (I) OFFENSES DIRECTED AGAINST THE PERSON

9 (A) KIDNAPPING AND RELATED OFFENSES

10 (1) Unlawful restraint.

11 (B) BODILY HARM

12 (2) Felony aggravated assault.

13 (3) Vehicular endangerment.

14 (4) Felony domestic battery.

15 (5) Aggravated battery.

16 (6) Heinous battery.

17 (7) Aggravated battery with a firearm.

18 (8) Aggravated battery of an unborn child.

19 (9) Aggravated battery of a senior citizen.

20 (10) Intimidation.

21 (11) Compelling organization membership of persons.

22 (12) Abuse and criminal neglect of a long term care
23 facility resident.

1 (13) Felony violation of an order of protection.

2 (II) OFFENSES DIRECTED AGAINST PROPERTY

3 (14) Felony theft.

4 (15) Robbery.

5 (16) Armed robbery.

6 (17) Aggravated robbery.

7 (18) Vehicular hijacking.

8 (19) Aggravated vehicular hijacking.

9 (20) Burglary.

10 (21) Possession of burglary tools.

11 (22) Residential burglary.

12 (23) Criminal fortification of a residence or
13 building.

14 (24) Arson.

15 (25) Aggravated arson.

16 (26) Possession of explosive or explosive incendiary
17 devices.

18 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

19 (27) Felony unlawful use of weapons.

20 (28) Aggravated discharge of a firearm.

21 (29) Reckless discharge of a firearm.

22 (30) Unlawful use of metal piercing bullets.

1 (48) Delivery of controlled, counterfeit, or
2 look-alike substances to persons under age 18, or at truck
3 stops, rest stops, or safety rest areas, or on school
4 property.

5 (49) Using, engaging, or employing persons under 18 to
6 deliver controlled, counterfeit, or look-alike substances.

7 (50) Delivery of controlled substances.

8 (51) Sale or delivery of drug paraphernalia.

9 (52) Felony possession, sale, or exchange of
10 instruments adapted for use of a controlled substance,
11 methamphetamine, or cannabis by subcutaneous injection.

12 (53) Any violation of the Methamphetamine Control and
13 Community Protection Act.

14 (d) Notwithstanding subsection (c), the Department may
15 issue a new foster family home license or may renew an existing
16 foster family home license of an applicant who was convicted of
17 an offense described in subsection (c), provided all of the
18 following requirements are met:

19 (1) The relevant criminal offense or offenses occurred
20 more than 10 years prior to the date of application or
21 renewal.

22 (2) The applicant had previously disclosed the
23 conviction or convictions to the Department for purposes of
24 a background check.

25 (3) After the disclosure, the Department either placed
26 a child in the home or the foster family home license was

1 issued.

2 (4) During the background check, the Department had
3 assessed and waived the conviction in compliance with the
4 existing statutes and rules in effect at the time of the
5 waiver.

6 (5) The applicant meets all other requirements and
7 qualifications to be licensed as a foster family home under
8 this Act and the Department's administrative rules.

9 (6) The applicant has a history of providing a safe,
10 stable home environment and appears able to continue to
11 provide a safe, stable home environment.

12 (e) Notwithstanding subsection (c), the Department may, on
13 a case-by-case basis, issue a new foster family home license or
14 may renew an existing foster family home license of an
15 applicant who was convicted of an offense described in
16 subsection (c), provided all of the following requirements are
17 met:

18 (1) the applicant is a relative foster home with
19 relative children placed under Section 7 of the Children
20 and Family Services Act;

21 (2) the foster family home license is specific to the
22 relative foster child or children placed and the foster
23 family home is not licensed to take any other children;

24 (3) the waived criminal conviction does not impact the
25 safety of the child;

26 (4) the applicant meets all other requirements and

1 qualifications to be licensed as a foster family home under
2 this Act and the Department's administrative rules; and
3 (5) the reason for the waiver is documented in writing.

4 (Source: P.A. 96-1551, Article 1, Section 925, eff. 7-1-11;
5 96-1551, Article 2, Section 990, eff. 7-1-11; revised 9-30-11.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".