



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5448

by Rep. John D. Anthony

SYNOPSIS AS INTRODUCED:

20 ILCS 510/510-300 new
20 ILCS 2605/2605-605 new
730 ILCS 5/3-2-2.3 new
730 ILCS 5/3-2.5-55 new

Amends the Department of Children and Family Services Powers Law of the Civil Administrative Code of Illinois. Provides that no person who is a gang member or a former gang member shall be eligible for hire or appointment by the Department of Children and Family Services for a period of 10 years after the most recent showing of former or current gang membership. Provides that former or current gang membership may be determined by the Department based on a conviction for a gang-related offense; an admission by the applicant during a court proceeding, deposition, or job application that the applicant is a gang member or a former gang member; or a finding of fact that a person is a gang member or a former gang member in a court opinion or an order of the court. Defines terms. Makes corresponding changes to the Department of State Police Law of the Civil Administrative Code of Illinois and the Unified Code of Corrections that apply to the Department of State Police, the Department of Corrections, and the Department of Juvenile Justice. Effective immediately.

LRB098 16792 OMW 54724 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Children and Family Services
5 Powers Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 510-300 as follows:

7 (20 ILCS 510/510-300 new)

8 Sec. 510-300. Limitation on employment; gang membership.

9 (a) Notwithstanding any other provision of law, on and
10 after the effective date of this amendatory Act of the 98th
11 General Assembly, no person who is a gang member or a former
12 gang member shall be eligible for hire or appointment by the
13 Department for a period of 10 years after the most recent
14 showing of former or current gang membership under subsection
15 (b) of this Section.

16 (b) Former or current gang membership may be determined by
17 the Department based on the following:

18 (1) a conviction for a gang-related offense;

19 (2) an admission by the applicant during a court
20 proceeding, deposition, or job application that the
21 applicant is a gang member or a former gang member; or

22 (3) a finding of fact that a person is a gang member or
23 a former gang member in a court opinion or an order of the

1 court.

2 (c) As used in this Section:

3 "Gang member" has the meaning ascribed to it in the
4 Illinois Streetgang Terrorism Omnibus Prevention Act.

5 "Gang-related offense" has the meaning provided for
6 "gang-related" in the Illinois Streetgang Terrorism Omnibus
7 Prevention Act and does not include violations under Sections
8 12-6.2, 12-6.4, 12-6.5, 24-1.8, 25-5, and 48-1(i)(1.5)(iii) of
9 the Criminal Code of 2012; Article 33G of the Criminal Code of
10 2012; or Section 405.2 of the Illinois Controlled Substances
11 Act.

12 Section 10. The Department of State Police Law of the Civil
13 Administrative Code of Illinois is amended by adding Section
14 2605-605 as follows:

15 (20 ILCS 2605/2605-605 new)

16 Sec. 2605-605. Limitation on employment; gang membership.

17 (a) Notwithstanding any other provision of law, on and
18 after the effective date of this amendatory Act of the 98th
19 General Assembly, no person who is a gang member or a former
20 gang member shall be eligible for hire or appointment by the
21 Department for a period of 10 years after the most recent
22 showing of former or current gang membership under subsection
23 (b) of this Section.

24 (b) Former or current gang membership may be determined by

1 the Department based on the following:

2 (1) a conviction for a gang-related offense;

3 (2) an admission by the applicant during a court
4 proceeding, deposition, or job application that the
5 applicant is a gang member or a former gang member; or

6 (3) a finding of fact that a person is a gang member or
7 a former gang member in a court opinion or an order of the
8 court.

9 (c) As used in this Section:

10 "Gang member" has the meaning ascribed to it in the
11 Illinois Streetgang Terrorism Omnibus Prevention Act.

12 "Gang-related offense" has the meaning provided for
13 "gang-related" in the Illinois Streetgang Terrorism Omnibus
14 Prevention Act and does not include violations under Sections
15 12-6.2, 12-6.4, 12-6.5, 24-1.8, 25-5, and 48-1(i)(1.5)(iii) of
16 the Criminal Code of 2012; Article 33G of the Criminal Code of
17 2012; or Section 405.2 of the Illinois Controlled Substances
18 Act.

19 Section 15. The Unified Code of Corrections is amended by
20 adding Sections 3-2-2.3 and 3-2.5-55 as follows:

21 (730 ILCS 5/3-2-2.3 new)

22 Sec. 3-2-2.3. Limitation on employment; gang membership.

23 (a) Notwithstanding any other provision of law, on and
24 after the effective date of this amendatory Act of the 98th

1 General Assembly, no person who is a gang member or a former
2 gang member shall be eligible for hire or appointment by the
3 Department for a period of 10 years after the most recent
4 showing of former or current gang membership under subsection
5 (b) of this Section.

6 (b) Former or current gang membership may be determined
7 by the Department based on the following:

8 (1) a conviction for a gang-related offense;

9 (2) an admission by the applicant during a court
10 proceeding, deposition, or job application that the
11 applicant is a gang member or a former gang member; or

12 (3) a finding of fact that a person is a gang member or
13 a former gang member in a court opinion or an order of the
14 court.

15 (c) As used in this Section:

16 "Gang member" has the meaning ascribed to it in the
17 Illinois Streetgang Terrorism Omnibus Prevention Act.

18 "Gang-related offense" has the meaning provided for
19 "gang-related" in the Illinois Streetgang Terrorism Omnibus
20 Prevention Act and does not include violations under Sections
21 12-6.2, 12-6.4, 12-6.5, 24-1.8, 25-5, and 48-1(i)(1.5)(iii) of
22 the Criminal Code of 2012; Article 33G of the Criminal Code of
23 2012; or Section 405.2 of the Illinois Controlled Substances
24 Act.

1 Sec. 3-2.5-55. Limitation on employment; gang membership.

2 (a) Notwithstanding any other provision of law, on and
3 after the effective date of this amendatory Act of the 98th
4 General Assembly, no person who is a gang member or a former
5 gang member shall be eligible for hire or appointment by the
6 Department for a period of 10 years after the most recent
7 showing of former or current gang membership under subsection
8 (b) of this Section.

9 (b) Former or current gang membership may be determined by
10 the Department based on the following:

11 (1) a conviction for a gang-related offense;

12 (2) an admission by the applicant during a court
13 proceeding, deposition, or job application that the
14 applicant is a gang member or a former gang member; or

15 (3) a finding of fact that a person is a gang member or
16 a former gang member in a court opinion or an order of the
17 court.

18 (c) As used in this Section:

19 "Gang member" has the meaning ascribed to it in the
20 Illinois Streetgang Terrorism Omnibus Prevention Act.

21 "Gang-related offense" has the meaning provided for
22 "gang-related" in Section 10 of the Illinois Streetgang
23 Terrorism Omnibus Prevention Act and does not include
24 violations under Sections 12-6.2, 12-6.4, 12-6.5, 24-1.8,
25 25-5, and 48-1(i)(1.5)(iii) of the Criminal Code of 2012;
26 Article 33G of the Criminal Code of 2012; or Section 405.2 of

1 the Illinois Controlled Substances Act.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.