

# HB6324



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

**HB6324**

Introduced 2/11/2016, by Rep. John D. Anthony

### SYNOPSIS AS INTRODUCED:

20 ILCS 2635/3

from Ch. 38, par. 1603

Amends the Illinois Uniform Conviction Information Act. Provides that the Sentencing Policy Advisory Council will provide analysis and research to assist in the administration of criminal laws. Effective immediately.

LRB099 18354 SLF 42729 b

A BILL FOR

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 Illinois Uniform Conviction Information Act  
5 is amended by changing Section 3 as follows:

6 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

7 Sec. 3. Definitions. Whenever used in this Act, and for the  
8 purposes of this Act, unless the context clearly indicates  
9 otherwise:

10 (A) "Accurate" means factually correct, containing no  
11 mistake or error of a material nature.

12 (B) The phrase "administer the criminal laws" includes any  
13 of the following activities: intelligence gathering,  
14 surveillance, criminal investigation, crime detection and  
15 prevention (including research), apprehension, detention,  
16 pretrial or post-trial release, prosecution, the correctional  
17 supervision or rehabilitation of accused persons or criminal  
18 offenders, criminal identification activities, data analysis  
19 and research done by the sentencing commission, or the  
20 collection, maintenance or dissemination of criminal history  
21 record information.

22 (C) "The Authority" means the Illinois Criminal Justice  
23 Information Authority.

1 (D) "Automated" means the utilization of computers,  
2 telecommunication lines, or other automatic data processing  
3 equipment for data collection or storage, analysis,  
4 processing, preservation, maintenance, dissemination, or  
5 display and is distinguished from a system in which such  
6 activities are performed manually.

7 (E) "Complete" means accurately reflecting all the  
8 criminal history record information about an individual that is  
9 required to be reported to the Department pursuant to Section  
10 2.1 of the Criminal Identification Act.

11 (F) "Conviction information" means data reflecting a  
12 judgment of guilt or nolo contendere. The term includes all  
13 prior and subsequent criminal history events directly relating  
14 to such judgments, such as, but not limited to: (1) the  
15 notation of arrest; (2) the notation of charges filed; (3) the  
16 sentence imposed; (4) the fine imposed; and (5) all related  
17 probation, parole, and release information. Information ceases  
18 to be "conviction information" when a judgment of guilt is  
19 reversed or vacated.

20 For purposes of this Act, continuances to a date certain in  
21 furtherance of an order of supervision granted under Section  
22 5-6-1 of the Unified Code of Corrections or an order of  
23 probation granted under either Section 10 of the Cannabis  
24 Control Act, Section 410 of the Illinois Controlled Substances  
25 Act, Section 70 of the Methamphetamine Control and Community  
26 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section

1 12-3.05 of the Criminal Code of 1961 or the Criminal Code of  
2 2012, Section 10-102 of the Illinois Alcoholism and Other Drug  
3 Dependency Act, Section 40-10 of the Alcoholism and Other Drug  
4 Abuse and Dependency Act, or Section 10 of the Steroid Control  
5 Act shall not be deemed "conviction information".

6 (G) "Criminal history record information" means data  
7 identifiable to an individual, including information collected  
8 under Section 4.5 of the Criminal Identification Act, and  
9 consisting of descriptions or notations of arrests,  
10 detentions, indictments, informations, pretrial proceedings,  
11 trials, or other formal events in the criminal justice system  
12 or descriptions or notations of criminal charges (including  
13 criminal violations of local municipal ordinances) and the  
14 nature of any disposition arising therefrom, including  
15 sentencing, court or correctional supervision, rehabilitation  
16 and release. The term does not apply to statistical records and  
17 reports in which individual are not identified and from which  
18 their identities are not ascertainable, or to information that  
19 is for criminal investigative or intelligence purposes.

20 (H) "Criminal justice agency" means (1) a government agency  
21 or any subunit thereof which is authorized to administer the  
22 criminal laws and which allocates a substantial part of its  
23 annual budget for that purpose, or (2) an agency supported by  
24 public funds which is authorized as its principal function to  
25 administer the criminal laws and which is officially designated  
26 by the Department as a criminal justice agency for purposes of

1 this Act.

2 (I) "The Department" means the Illinois Department of State  
3 Police.

4 (J) "Director" means the Director of the Illinois  
5 Department of State Police.

6 (K) "Disseminate" means to disclose or transmit conviction  
7 information in any form, oral, written, or otherwise.

8 (L) "Exigency" means pending danger or the threat of  
9 pending danger to an individual or property.

10 (M) "Non-criminal justice agency" means a State agency,  
11 Federal agency, or unit of local government that is not a  
12 criminal justice agency. The term does not refer to private  
13 individuals, corporations, or non-governmental agencies or  
14 organizations.

15 (M-5) "Request" means the submission to the Department, in  
16 the form and manner required, the necessary data elements or  
17 fingerprints, or both, to allow the Department to initiate a  
18 search of its criminal history record information files.

19 (N) "Requester" means any private individual, corporation,  
20 organization, employer, employment agency, labor organization,  
21 or non-criminal justice agency that has made a request pursuant  
22 to this Act to obtain conviction information maintained in the  
23 files of the Department of State Police regarding a particular  
24 individual.

25 (O) "Statistical information" means data from which the  
26 identity of an individual cannot be ascertained,

1 reconstructed, or verified and to which the identity of an  
2 individual cannot be linked by the recipient of the  
3 information.

4 (P) "Sentencing commission" means the Sentencing Policy  
5 Advisory Council.

6 (Source: P.A. 97-1150, eff. 1-25-13; 98-528, eff. 1-1-15.)

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