



Rep. Dave Vella

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10300HB4412ham001

LRB103 36073 RTM 70413 a

1 AMENDMENT TO HOUSE BILL 4412

2 AMENDMENT NO. _____. Amend House Bill 4412 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 4.1 as follows:

6 (225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

7 Sec. 4.1. Criminal background investigations.

8 (a) In this Section:

9 "Conditional employee" means an employee who has completed
10 a background check and is waiting for confirmation from the
11 Department.

12 "Third-party vendor" means a third-party fingerprinting
13 vendor who is licensed by the Department of Financial and
14 Professional Regulation and regulated by 68 Ill. Adm. Code
15 1240.600.

16 (b) The Department shall require that each child care

1 facility license applicant as part of the application process,
2 and each employee and volunteer of a child care facility or
3 non-licensed service provider, as a condition of employment,
4 authorize an investigation to determine if such applicant,
5 employee, or volunteer has ever been charged with a crime and
6 if so, the disposition of those charges; this authorization
7 shall indicate the scope of the inquiry and the agencies which
8 may be contacted. A child care facility, non-licensed service
9 provider, day care center, group day care home, or day care
10 home may authorize the Department or a third-party vendor to
11 complete the investigation. If the Department conducts the
12 investigation, upon ~~upon~~ this authorization, the Director
13 shall request and receive information and assistance from any
14 federal, State, or local governmental agency as part of the
15 authorized investigation. Each applicant, employee, or
16 volunteer of a child care facility or non-licensed service
17 provider shall submit the applicant's, employee's, or
18 volunteer's fingerprints to the Illinois State Police in the
19 form and manner prescribed by the Illinois State Police. These
20 fingerprints shall be checked against the fingerprint records
21 now and hereafter filed in the Illinois State Police and
22 Federal Bureau of Investigation criminal history records
23 databases. The Illinois State Police shall charge a fee for
24 conducting the criminal history records check, which shall be
25 deposited in the State Police Services Fund and shall not
26 exceed the actual cost of the records check. The Illinois

1 State Police shall provide information concerning any criminal
2 charges, and their disposition, now or hereafter filed,
3 against an applicant, employee, or volunteer of a child care
4 facility or non-licensed service provider upon request of the
5 Department of Children and Family Services when the request is
6 made in the form and manner required by the Illinois State
7 Police.

8 Information concerning convictions of a license applicant,
9 employee, or volunteer of a child care facility or
10 non-licensed service provider investigated under this Section,
11 including the source of the information and any conclusions or
12 recommendations derived from the information, shall be
13 provided, upon request, to such applicant, employee, or
14 volunteer of a child care facility or non-licensed service
15 provider prior to final action by the Department on the
16 application. State conviction information provided by the
17 Illinois State Police regarding employees, prospective
18 employees, or volunteers of non-licensed service providers and
19 child care facilities licensed under this Act shall be
20 provided to the operator of such facility, and, upon request,
21 to the employee, prospective employee, or volunteer of a child
22 care facility or non-licensed service provider. Any
23 information concerning criminal charges and the disposition of
24 such charges obtained by the Department shall be confidential
25 and may not be transmitted outside the Department, except as
26 required herein, and may not be transmitted to anyone within

1 the Department except as needed for the purpose of evaluating
2 an application or an employee or volunteer of a child care
3 facility or non-licensed service provider. Only information
4 and standards which bear a reasonable and rational relation to
5 the performance of a child care facility shall be used by the
6 Department or any licensee. Any employee of the Department of
7 Children and Family Services, Illinois State Police, or a
8 child care facility receiving confidential information under
9 this Section who gives or causes to be given any confidential
10 information concerning any criminal convictions of an
11 applicant, employee, or volunteer of a child care facility or
12 non-licensed service provider, shall be guilty of a Class A
13 misdemeanor unless release of such information is authorized
14 by this Section.

15 A child care facility may hire, on a probationary basis,
16 any employee or volunteer of a child care facility or
17 non-licensed service provider completing ~~authorizing~~ a
18 criminal background investigation under this Section, pending
19 the result of such investigation. A conditional employee may
20 work in a child care facility if the conditional employee is
21 supervised by a licensed employee. Employees and volunteers of
22 a child care facility or non-licensed service provider shall
23 be notified prior to hiring that such employment may be
24 terminated on the basis of criminal background information
25 obtained by the facility. An applicant is determined to have
26 completed the criminal background investigation when he or she

1 has completed and submitted authorization for the performance
2 of a criminal background investigation by either the
3 Department or a third party contracted to perform the criminal
4 background investigation.

5 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)".