



Sen. Meg Loughran Cappel

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10300HB4412sam001

LRB103 36073 RTM 73140 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, "third-party vendor" means a
9 third-party fingerprinting vendor who is licensed by the
10 Department of Financial and Professional Regulation and
11 regulated by 68 Ill. Adm. Code 1240.600.

12 (b) The Department shall require that each child care
13 facility license applicant as part of the application process,
14 and each employee and volunteer of a child care facility or
15 non-licensed service provider, as a condition of employment,
16 authorize an investigation to determine if such applicant,

1 employee, or volunteer has ever been charged with a crime and
2 if so, the disposition of those charges; this authorization
3 shall indicate the scope of the inquiry and the agencies which
4 may be contacted. A child care facility, non-licensed service
5 provider, day care center, group day care home, or day care
6 home may authorize the Department or a third-party vendor to
7 collect fingerprints for the investigation. If a third-party
8 vendor is used for fingerprinting, then the child care
9 facility, non-licensed service provider, day care center,
10 group day care home, or day care home shall pay the third-party
11 vendor for that service directly. If a child care facility,
12 non-licensed service provider, day care center, group day care
13 home, or day care home authorizes the Department to collect
14 fingerprints for the investigation, ~~Upon this authorization,~~
15 the Director shall request and receive information and
16 assistance from any federal, State, or local governmental
17 agency as part of the authorized investigation. Each
18 applicant, employee, or volunteer of a child care facility or
19 non-licensed service provider shall submit the applicant's,
20 employee's, or volunteer's fingerprints to the Illinois State
21 Police in the form and manner prescribed by the Illinois State
22 Police. These fingerprints shall be checked against the
23 fingerprint records now and hereafter filed in the Illinois
24 State Police and Federal Bureau of Investigation criminal
25 history records databases. The Illinois State Police shall
26 charge a fee for conducting the criminal history records

1 check, which shall be deposited in the State Police Services
2 Fund and shall not exceed the actual cost of the records check.
3 The Illinois State Police shall provide information concerning
4 any criminal charges, and their disposition, now or hereafter
5 filed, against an applicant, employee, or volunteer of a child
6 care facility or non-licensed service provider upon request of
7 the Department of Children and Family Services when the
8 request is made in the form and manner required by the Illinois
9 State Police.

10 Information concerning convictions of a license applicant,
11 employee, or volunteer of a child care facility or
12 non-licensed service provider investigated under this Section,
13 including the source of the information and any conclusions or
14 recommendations derived from the information, shall be
15 provided, upon request, to such applicant, employee, or
16 volunteer of a child care facility or non-licensed service
17 provider prior to final action by the Department on the
18 application. State conviction information provided by the
19 Illinois State Police regarding employees, prospective
20 employees, or volunteers of non-licensed service providers and
21 child care facilities licensed under this Act shall be
22 provided to the operator of such facility, and, upon request,
23 to the employee, prospective employee, or volunteer of a child
24 care facility or non-licensed service provider. Any
25 information concerning criminal charges and the disposition of
26 such charges obtained by the Department shall be confidential

1 and may not be transmitted outside the Department, except as
2 required herein, and may not be transmitted to anyone within
3 the Department except as needed for the purpose of evaluating
4 an application or an employee or volunteer of a child care
5 facility or non-licensed service provider. Only information
6 and standards which bear a reasonable and rational relation to
7 the performance of a child care facility shall be used by the
8 Department or any licensee. Any employee of the Department of
9 Children and Family Services, Illinois State Police, or a
10 child care facility receiving confidential information under
11 this Section who gives or causes to be given any confidential
12 information concerning any criminal convictions of an
13 applicant, employee, or volunteer of a child care facility or
14 non-licensed service provider, shall be guilty of a Class A
15 misdemeanor unless release of such information is authorized
16 by this Section.

17 A child care facility may hire, on a probationary basis,
18 any employee or volunteer of a child care facility or
19 non-licensed service provider authorizing a criminal
20 background investigation under this Section, pending the
21 result of such investigation. Employees and volunteers of a
22 child care facility or non-licensed service provider shall be
23 notified prior to hiring that such employment may be
24 terminated on the basis of criminal background information
25 obtained by the facility.

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