**Section 1000.210 Fingerprint-Based Criminal History Records Check**

a) *No person who has been convicted of an excluded offense may be a cultivation center agent.* (Section 105 of the Act)

b) ISP shall act as the Department's agent for purposes of receiving electronic fingerprints and conducting background checks of each cultivation center agent applying for a cultivation center agent identification card.

1) ISP will conduct background checks for conviction information contained within ISP and FBI criminal history databases to the extent allowed by law.

2) For verification of any statutorily imposed duty to conduct background checks pursuant to the Act, ISP will transmit the results of the background check to the Department and that transmittal shall conclude the verification process.

3) The electronic background checks shall be submitted as outlined in either the Illinois Uniform Conviction Information Act or 20 Ill. Adm. Code 1265.30 (Electronic Transmission of Fingerprint Requirements).

A) Manual fingerprints will not be accepted and shall not be scanned and converted into an electronic format.

B) Fingerprint images of the individual being fingerprinted, and related alphanumeric identification data submitted to ISP for the purpose of this fingerprint-based background check, shall be submitted electronically.

C) Electronic transmission of fingerprint data to ISP shall be accomplished utilizing livescan procedures or other comparable technology approved for use by ISP.

D) If the fingerprints are rejected by ISP, the cultivation center agent shall have his or her fingerprints collected electronically by a livescan fingerprint vendor a second time.

E) In the event of equipment malfunction or other special circumstance that make electronic transmission of fingerprint data impractical, ISP may allow limited use of paper fingerprint records.

c) Each cultivation center agent applying for a cultivation center agent identification card shall have his or her fingerprints collected electronically by a livescan fingerprint vendor licensed by DFPR and transmitted to ISP for processing no more than 30 days prior to the date of application or renewal for a cultivation center agent identification card.

1) The cultivation center agent shall submit to the Department, with the cultivation agent identification card application or renewal, a copy of the livescan request form and the receipt provided by the livescan fingerprint vendor containing the Transaction Control Number (TCN) as proof that his or her fingerprints have been collected.

2) Cultivation center identification card applications submitted without a copy of the livescan request form and receipt will be deemed incomplete and will not be processed until fingerprinting is completed. The fingerprinting process is not completed until the Department receives the results from ISP.

3) Any fees associated with the livescan fingerprint-based criminal history records check shall be the responsibility of the individual seeking a cultivation center agent identification card and shall be collected by the livescan vendor at the time of fingerprinting and transmitted to ISP for deposit in the State Police Services Fund. A convenience fee may be charged by the livescan vendor as provided in Section 31-5 of the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004.

d) The Department shall obtain from ISP a state and federal criminal records check, to the extent allowed by law, containing conviction information for each cultivation center agent applying for a cultivation center agent identification card.

e) The Department will maintain the results of the criminal history records check in compliance the State Records Act [5 ILCS 160].

f) The Department may deny an application or renewal for a cultivation center agent who has been convicted of an excluded offense.

g) If the cultivation center agent has been convicted of any excluded offenses, the Department may approve a cultivation center agent identification card *if the person demonstrates that his or her conviction was for the possession, cultivation, transfer, or delivery of a reasonable amount of cannabis intended for medical use.* (Section 10 of the Act) In determining whether to waive a conviction for excluded offenses, the Department shall determine whether the offense consisted of conduct for which, had it occurred on or after January 1, 2014, would likely have been protected by the Act and would likely not have resulted in a conviction.

h) Convictions for violations of the medical cannabis laws of Illinois or any other state or jurisdiction shall not be waived by the Department.

i) Should the Department not be able to obtain from ISP the required state and/or federal criminal records check required by the Act and this Section, the Department shall contract as appropriate with a private detective/investigating agency licensed under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 and in good standing with DFPR, for the purpose of conducting those records checks.