

10
STATUTES, RULES,
AND BYLAWS

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STATUTES, RULES, AND BYLAWS

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THE ILLINOIS CRIMINAL JUSTICE INFORMATION ACT

20 ILCS 3930

§ 1. Short Title. This Act shall be known and may be cited as the “Illinois Criminal Justice Information Act”.

→ **3930/2. Purpose of Act**

§ 2. Purpose of Act. The purpose of this Act is to coordinate the use of information in the criminal justice system; to promulgate effective criminal justice information policy; to encourage the improvement of criminal justice agency procedures and practices with respect to information; to provide new information technologies; to permit the evaluation of information practices and programs; to stimulate research and development of new methods and uses of criminal justice information for the improvement of the criminal justice system and the reduction of crime; to protect the integrity of criminal history record information, while protecting the citizen's right to privacy; and to coordinate statewide violence prevention efforts and develop a statewide plan that includes public health and public safety approaches to violence prevention in families, communities, and schools.

→ **3930/3. Definitions**

§ 3. Definitions. Whenever used in this Act, and for the purposes of this Act unless the context clearly denotes otherwise:

(a) The term “criminal justice system” includes all activities by public agencies pertaining to the prevention or reduction of crime or enforcement of the criminal law, and particularly, but without limitation, the prevention, detection, and investigation of crime; the apprehension of offenders; the protection of victims and witnesses; the administration of juvenile justice; the prosecution and defense of criminal cases; the trial, conviction, and sentencing of offenders; as well as the correction and rehabilitation of offenders, which includes imprisonment, probation, parole and treatment.

(b) The term “Authority” means the Illinois Criminal Justice Information Authority created by this Act.

(c) The term “criminal justice information” means any and every type of information that is collected, transmitted, or maintained by the criminal justice system.

(d) The term “criminal history record information” means data identifiable to an individual and

consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation, and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) The term “unit of general local government” means any county, municipality or other general purpose political subdivision of this State.

→ **3930/4. Illinois Criminal Justice Information Authority; creation, membership, and meetings**

§ 4. Illinois Criminal Justice Information Authority; creation, membership, and meetings. There is created an Illinois Criminal Justice Information Authority consisting of 25 members. The membership of the Authority shall consist of the Illinois Attorney General, or his or her designee, the Director of Corrections, the Director of State Police, the Director of Public Health, the Director of Children and Family Services, the Sheriff of Cook County, the State's Attorney of Cook County, the clerk of the circuit court of Cook County, the President of the Cook County Board of Commissioners, the Superintendent of the Chicago Police Department, the Director of the Office of the State's Attorneys Appellate Prosecutor, the Executive Director of the Illinois Law Enforcement Training Standards Board, the State Appellate Defender, the Public Defender of Cook County, and the following additional members, each of whom shall be appointed by the Governor: a circuit court clerk, a sheriff, a State's Attorney of a county other than Cook, a Public Defender of a county other than Cook, a chief of police, and 6 members of the general public.

The Governor from time to time shall designate a Chairman of the Authority from the membership. All members of the Authority appointed by the Governor shall serve at the pleasure of the Governor for a term not to exceed 4 years. The initial appointed members of the Authority shall serve from January, 1983 until the third Monday in January, 1987 or until their successors are appointed.

The Authority shall meet at least quarterly, and all meetings of the Authority shall be called by the Chairman.

→ **3930/5. No Compensation--Expenses**

§ 5. No Compensation--Expenses. Members of the Authority, other than the Chairman, shall serve without compensation. All members shall be reimbursed for reasonable expenses incurred in connection with their duties.

→ **3930/6. Executive Director**

§ 6. Executive Director. The Governor shall appoint an Executive Director of the Authority with the advice and consent of the Senate. The Executive Director shall employ, in accordance with the provisions of the Illinois Personnel Code, [\[FN1\]](#) such administrative, professional, clerical, and other personnel as may be required. The Executive Director may organize the staff of the Authority as he may deem appropriate.

[\[FN1\] 20 ILCS 415/1 et seq.](#)

→ **3930/7. Powers and Duties**

§ 7. Powers and Duties. The Authority shall have the following powers, duties and responsibilities:

- (a) To develop and operate comprehensive information systems for the improvement and coordination of all aspects of law enforcement, prosecution and corrections;
- (b) To define, develop, evaluate and correlate State and local programs and projects associated with the improvement of law enforcement and the administration of criminal justice;
- (c) To act as a central repository and clearing house for federal, state and local research studies, plans, projects, proposals and other information relating to all aspects of criminal justice system improvement and to encourage educational programs for citizen support of State and local efforts to make such improvements;
- (d) To undertake research studies to aid in accomplishing its purposes;
- (e) To monitor the operation of existing criminal justice information systems in order to protect the constitutional rights and privacy of individuals about whom criminal history record information has been collected;
- (f) To provide an effective administrative forum for the protection of the rights of individuals concerning criminal history record information;
- (g) To issue regulations, guidelines and procedures which ensure the privacy and security of criminal history record information consistent with State and federal laws;
- (h) To act as the sole administrative appeal body in the State of Illinois to conduct hearings and make final determinations concerning individual challenges to the completeness and accuracy of criminal history record information;
- (i) To act as the sole, official, criminal justice body in the State of Illinois to conduct annual and periodic audits of the procedures, policies, and practices of the State central repositories for

criminal history record information to verify compliance with federal and state laws and regulations governing such information;

(j) To advise the Authority's Statistical Analysis Center;

(k) To apply for, receive, establish priorities for, allocate, disburse and spend grants of funds that are made available by and received on or after January 1, 1983 from private sources or from the United States pursuant to the federal Crime Control Act of 1973, as amended, [\[FN1\]](#) and similar federal legislation, and to enter into agreements with the United States government to further the purposes of this Act, or as may be required as a condition of obtaining federal funds;

(l) To receive, expend and account for such funds of the State of Illinois as may be made available to further the purposes of this Act;

(m) To enter into contracts and to cooperate with units of general local government or combinations of such units, State agencies, and criminal justice system agencies of other states for the purpose of carrying out the duties of the Authority imposed by this Act or by the federal Crime Control Act of 1973, as amended;

(n) To enter into contracts and cooperate with units of general local government outside of Illinois, other states' agencies, and private organizations outside of Illinois to provide computer software or design that has been developed for the Illinois criminal justice system, or to participate in the cooperative development or design of new software or systems to be used by the Illinois criminal justice system. Revenues received as a result of such arrangements shall be deposited in the Criminal Justice Information Systems Trust Fund.

(o) To establish general policies concerning criminal justice information systems and to promulgate such rules, regulations and procedures as are necessary to the operation of the Authority and to the uniform consideration of appeals and audits;

(p) To advise and to make recommendations to the Governor and the General Assembly on policies relating to criminal justice information systems;

(q) To direct all other agencies under the jurisdiction of the Governor to provide whatever assistance and information the Authority may lawfully require to carry out its functions;

(r) To exercise any other powers that are reasonable and necessary to fulfill the responsibilities of the Authority under this Act and to comply with the requirements of applicable federal law or regulation;

(s) To exercise the rights, powers and duties which have been vested in the Authority by the "Illinois Uniform Conviction Information Act", enacted by the 85th General Assembly, as hereafter amended; [\[FN2\]](#)

(t) To exercise the rights, powers and duties which have been vested in the Authority by the Illinois Motor Vehicle Theft Prevention Act; [\[FN3\]](#)

(u) To exercise the rights, powers, and duties vested in the Authority by the Illinois Public Safety Agency Network Act; and

(v) To provide technical assistance in the form of training to local governmental entities within Illinois requesting such assistance for the purposes of procuring grants for gang intervention and gang prevention programs or other criminal justice programs from the United States Department of Justice.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by Section 3.1 of “An Act to revise the law in relation to the General Assembly”, approved February 25, 1874, as amended, [\[FN4\]](#) and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act. [\[FN5\]](#)

[\[FN1\]](#) [42 U.S.C.A. § 3701 et seq.](#) (repealed).

[\[FN2\]](#) [20 ILCS 2635/1 et seq.](#)

[\[FN3\]](#) [20 ILCS 4005/1 et seq.](#)

[\[FN4\]](#) [25 ILCS 5/3.1.](#)

[\[FN5\]](#) [15 ILCS 320/7.](#)

→ **3930/7.1. Sexual assault nurse examiner pilot program**

§ 7.1. Sexual assault nurse examiner pilot program.

(a) Legislative findings and intent. The General Assembly finds that the compassionate treatment of sexual assault victims in hospital emergency rooms is necessary to help alleviate the suffering of sexual assault victims. The General Assembly also finds that the effective collection and presentation of forensic evidence in sexual assault cases is necessary to increase the success rate of prosecutions for sex crimes in Illinois.

The General Assembly intends to create a pilot program to establish 4 sexual assault nurse examiner (SANE) projects in the State of Illinois. For each project, specially trained sexual assault nurse examiners or specially trained sexual assault physician examiners will provide health

assessments and collect forensic evidence from sexual assault victims in the emergency room. The sexual assault nurse examiners or sexual assault physician examiners will also testify to victims' injuries during criminal prosecutions.

(b) Definitions. In this Section:

(1) “Sexual assault nurse examiner” means a registered nurse who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

(2) “Sexual assault physician examiner” means a physician licensed to practice medicine in all its branches who has completed a sexual assault nurse examiner (SANE) training program that meets the Forensic Sexual Assault Nurse Examiner Education Guidelines established by the International Association of Forensic Nurses.

(3) “Hospital” means a facility licensed by the Department of Public Health under the Hospital Licensing Act [\[FN1\]](#) or that meets both the definition of hospital and the exemption provisions of that Act.

(4) “Hospital emergency services” means the health care delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department or emergency room of a hospital.

(c) SANE pilot program. The Authority shall, subject to appropriation, establish a SANE pilot program to operate 4 pilot projects in Illinois. The projects shall be established in the emergency rooms of hospitals in 4 counties geographically distributed throughout the State. Hospitals located throughout the State may apply to the Authority to participate in the program. Each project must provide the following services:

(1) Compassionate health assessment and effective forensic evidence collection for sexual assault victims by a trained sexual assault nurse examiner or sexual assault physician examiner in a hospital emergency room as part of the provision of hospital emergency services.

(2) Presentation of testimony regarding victims' injuries during criminal prosecutions for sex offenses.

(d) Each of the SANE projects established under this pilot program must, at a minimum, meet the Sexual Assault Nurse Examiner Standards of Practice established by the International Association of Forensic Nurses.

(e) Each of the 4 pilot projects established by the Authority under this Section shall be in existence for a minimum of 3 years.

(f) Report. No later than 2 years after the establishment of pilot projects under this Section, the Authority must report to the General Assembly on the efficacy of SANE programs.

(g) Rules. The Authority shall adopt rules to implement this Section.

[\[FN1\] 210 ILCS 85/1 et seq.](#)

→ **3930/7.2. Custodial Interview Pilot Program**

§ 7.2. Custodial Interview Pilot Program.

(a) Legislative findings and intent. The General Assembly finds that technology has made it possible to electronically record custodial interviews of suspects during first degree murder investigations. This technology will protect law enforcement agencies against claims of abuse and coercion by suspects while providing a memorialized account of interviews at police stations. The technology will also provide a better means for courts to review confessions of suspects with direct evidence of demeanor, tone, manner, and content of statements. The General Assembly intends to create a Custodial Interview Pilot Program to establish 4 pilot programs at police stations in the State of Illinois. For each program, video and audio experts shall install equipment and train participating law enforcement agencies to electronically record custodial interviews at their respective police stations. Participating law enforcement agencies shall choose how to use the equipment in cooperation with the local State's Attorney's office. The participating law enforcement agencies may choose to electronically record interviews of suspects for offenses other than first degree murder if they adopt local protocols in cooperation with the local State's Attorney's office.

(b) Definitions. In this Section:

(1) “Electronically record” means to memorialize by video and audio electronic equipment.

(2) “Custodial interviews” means interviews of suspects during first degree murder investigations or other investigations established by local protocol by law enforcement authorities that take place at the police station.

(c) Custodial Interview Pilot Program. The Authority shall, subject to appropriation, establish a Custodial Interview Pilot Program to operate 4 custodial interview pilot programs. The programs shall be established in a police station in the County of Cook and in 3 other police stations geographically distributed throughout the State. Each participating law enforcement agency must:

(1) Promulgate procedures for recording custodial interviews of suspects during first degree murder investigations by video and audio means.

(2) Promulgate procedures for maintaining and storing video and audio recordings.

(d) Each of the 4 pilot programs established by the Authority shall be in existence for a minimum of 2 years after its establishment under this Act.

(e) Report. No later than one year after the establishment of pilot programs under this Section, the Authority must report to the General Assembly on the efficacy of the Custodial Interview Pilot Program.

(f) The Authority shall adopt rules in cooperation with the Illinois Department of State Police to implement this Section.

→ **3930/7.5. Grants for electronic recording equipment**

§ 7.5. Grants for electronic recording equipment.

(a) The Authority, from appropriations made to it for that purpose, shall make grants to local law enforcement agencies for the purpose of purchasing equipment for electronic recording of interrogations.

(b) The Authority shall promulgate rules to implement this Section.

→ **3930/7.6. Capital Crimes Database**

§ 7.6. Capital Crimes Database.

(a) Subject to appropriation, a Capital Crimes Database shall be created within the Illinois Criminal Justice Information Authority (ICJIA).

(b) The ICJIA shall collect and retain in the Capital Crimes Database all information on the prosecution, pendency, and disposition of capital and capital eligible cases in Illinois. The Capital Crimes Database shall serve as a repository for all of the foregoing collected information.

(c) The ICJIA shall develop administrative rules to provide for the coordination and collection of information in the Capital Crimes Database.

(d) Agencies required to provide information on capital cases to the ICJIA, as the ICJIA may request, for the Capital Crimes Database shall include, but not be limited to:

(1) Office of the Attorney General.

(2) Illinois Department of Corrections.

(3) Illinois State Police.

(4) All county State's Attorneys.

(5) All county public defenders.

(6) Office of the State's Attorneys Appellate Prosecutor.

(7) Office of the State Appellate Defender.

(e) Agencies requested to provide information on capital cases to the ICJIA for the Capital Crimes Database shall include, but not be limited to:

(1) Administrative Office of Illinois Courts.

(2) All county circuit court clerks.

(f) The ICJIA shall develop procedures and protocols for the submission of information relating to capital and capital eligible cases to the Database in conjunction with the agencies submitting information.

→ **3930/8. Criminal Justice Agency**

§ 8. Criminal Justice Agency. The Authority shall be deemed a criminal justice agency under all federal and State laws and regulations, and as such shall have access to any information available to criminal justice agencies.

→ **3930/9. Criminal Justice Information Systems Trust Fund**

§ 9. Criminal Justice Information Systems Trust Fund. The special fund in the State Treasury known as the Criminal Justice Information Systems Trust Fund shall be funded in part from users' fees collected from criminal justice agencies that are the users of information systems developed and operated for them by the Authority. The users' fees shall be based on pro rated shares according to the share of operating cost that is attributed to each agency, as determined by the Authority. Prior to the effective date of the Illinois Public Safety Agency Network Act, the General Assembly shall make an appropriation from the Criminal Justice Information Systems Trust Fund for the operating expenses of the Authority incident to providing the services described in this Section. On and after the effective date of the Illinois Public Safety Agency Network Act, distributions from the Fund shall be made as provided in that Act.

→ **3930/9.1. Criminal Justice Information Projects Fund**

§ 9.1. Criminal Justice Information Projects Fund. The Criminal Justice Information Projects Fund is hereby created as a special fund in the State Treasury. Grants and other moneys obtained

by the Authority from governmental entities (other than the federal government), private sources, and not-for-profit organizations for use in investigating criminal justice issues or undertaking other criminal justice information projects shall be deposited into the Fund. Moneys in the Fund may be used by the Authority, subject to appropriation, for undertaking such projects and for the operating and other expenses of the Authority incidental to those projects.

→ **3930/9.2. Juvenile Accountability Incentive Block Grant Fund**

§ 9.2. The Juvenile Accountability Incentive Block Grant Fund is hereby created as a special fund in the State treasury. Deposits to this Fund shall consist of receipts from the federal government under the Juvenile Accountability Incentive Block Grant program and interest earned from the investment of moneys in the Fund. Disbursements from the Fund shall be made, subject to appropriation, by the Illinois Criminal Justice Information Authority in accordance with the guidelines established by the federal government for the Juvenile Accountability Incentive Block Grant Program. Specifically, the Fund may be used to provide financial support to State agencies (including the Illinois Criminal Justice Information Authority) and units of local government and to pay the Authority's administrative costs associated with the Juvenile Accountability Incentive Block Grant Program.

→ **3930/9.3. The Prescription Pill and Drug Disposal Fund**

§ 9.3. The Prescription Pill and Drug Disposal Fund. The Prescription Pill and Drug Disposal Fund is created as a special fund in the State treasury. Moneys in the Fund shall be used for grants by the Illinois Criminal Justice Information Authority to local law enforcement agencies for the purpose of facilitating the collection, transportation, and incineration of pharmaceuticals from residential sources that are collected and transported by law enforcement agencies under Section 17.9A of the Environmental Protection Act. Before awarding a grant from this Fund but no later than July 1, 2012, the Authority shall adopt rules that (i) specify the conditions under which grants will be awarded from this Fund and (ii) otherwise provide for the implementation and administration of the grant program created by this Section. Interest attributable to moneys in the Fund shall be paid into the Fund.

→ **3930/10. Supersedure and Transfer**

§ 10. Supersedure and Transfer. The Illinois Criminal Justice Information Authority created by this Act supersedes and shall assume, exercise and administer all rights, powers, duties and responsibilities vested in the Illinois Law Enforcement Commission by “An Act creating an Illinois Law Enforcement Commission and defining its powers and duties”, approved September 20, 1977, as amended, [\[FN1\]](#) except:

(a) those rights, powers, duties and responsibilities created by that Act with respect to the operation or administration of juvenile justice programs pursuant to applicable State or federal laws or regulations; and

(b) the right, power, duty and responsibility to allocate, disburse and account for grants of funds actually received by the Illinois Law Enforcement Commission prior to January 1, 1983 from the United States pursuant to the federal Crime Control Act of 1973, as amended, [\[FN2\]](#) or pursuant to other similar federal legislation.

The transfer to the Illinois Criminal Justice Information Authority of the rights, powers, duties and responsibilities of the Illinois Law Enforcement Commission as provided in this Section shall not be deemed to abolish or diminish the exercise, by the Illinois Law Enforcement Commission or as otherwise provided by law, of those rights, powers, duties and responsibilities described in paragraphs (a) and (b) of this Section which are not transferred to the Authority pursuant to this Section.

Personnel previously assigned to programs transferred pursuant to this Section from the Illinois Law Enforcement Commission to the Authority, other than the Executive Director of the Illinois Law Enforcement Commission, are hereby transferred to the Authority. Effective April 1, 1983, personnel of the Illinois Law Enforcement Commission previously assigned to the function and responsibility described in paragraph (b) above of this Section--except such of those personnel who, immediately prior to April 1, 1983, were either performing such function and responsibility for the primary benefit of, or who were also assigned to the operation or administration of the juvenile justice programs referred to in paragraph (a) above of this Section--shall be transferred to the Authority. The rights of the employees or the State under the "Personnel Code" [\[FN3\]](#) or under any other contract or plan, however, shall not be affected thereby.

All books, records, papers, documents, real or personal property, unexpended appropriations and pending business in any way pertaining to the rights, powers, duties and responsibilities transferred by this Section shall be delivered and transferred to the Authority. Effective April 1, 1983, all books, records, papers, documents, real or personal property, unexpended appropriations, undisbursed grant moneys, if any, and pending business pertaining to the rights, powers, duties and responsibilities described in paragraph (b) of this Section--except such of said items as pertain primarily to the juvenile justice programs referred to in paragraph (a) above of this Section--shall be transferred to the Authority.

All rights, powers, duties and responsibilities transferred pursuant to this Act to the Illinois Criminal Justice Information Authority shall be vested in and shall be exercised by that Authority subject to the provisions of this Act. Each act done in the exercise of such rights, powers and duties shall be exercised by that Authority subject to the provisions of this Act. Each act done in the exercise of such rights, powers and duties shall have the same legal effect as if done by the Illinois Law Enforcement Commission or divisions, officers or employees thereof.

Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such rights, powers and duties as if such rights, powers and duties had been exercised by the Il-

Illinois Law Enforcement Commission or divisions, officers or employees thereof.

Every officer and employee of the Illinois Criminal Justice Information Authority shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer or employee whose powers or duties were transferred to him by this Act.

Whenever reports or notices are required to be made or given or paper or documents furnished or served by any person to or upon the Illinois Law Enforcement Commission or divisions, officers or employees thereof with respect to any rights, powers, duties or responsibilities transferred pursuant to this Act, the same shall be made, given, furnished or served in the same manner to or upon the Illinois Criminal Justice Information Authority.

This Act shall not affect any act done, ratified or cancelled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause before this Act takes effect; but such actions or proceedings may be prosecuted and continued by the Illinois Criminal Justice Information Authority.

No rule or regulation promulgated by the Illinois Law Enforcement Commission pursuant to an exercise of right, power or duty which has been transferred to the Illinois Criminal Justice Information Authority shall be affected by this Act, and all such rules and regulations shall become the rules and regulations of the Illinois Criminal Justice Information Authority.

[\[FN1\]](#) Former Ill.Rev.Stat. ch. 38, ¶ 209-1 et seq. (repealed).

[\[FN2\]](#) 43 U.S.C.A. § 3701 et seq. (repealed).

[\[FN3\]](#) [20 ILCS 415/1 et seq.](#)

→ **3930/10.1. Transfer of Illinois Violence Prevention Authority**

§ 10.1. Transfer of Illinois Violence Prevention Authority.

(a) The Illinois Criminal Justice Information Authority, through its board, existing committees, and any committee or committees created on or after the effective date of this amendatory Act of the 97th General Assembly by law or pursuant to administrative rules of the Authority shall assume the powers, duties, rights, and responsibilities transferred from the Illinois Violence Prevention Authority to the Illinois Criminal Justice Information Authority on the effective date of this amendatory Act of the 97th General Assembly, including the powers, duties, rights, and responsibilities:

(1) to coordinate Statewide violence prevention efforts and development of a Statewide plan that incorporates public health and public safety approaches to violence prevention in families,

communities, and schools;

(2) to seek and receive funds that may be available from private and public sources for violence prevention efforts;

(3) to distribute, pursuant to Authority rules and subject to available appropriations and other funds received for the purposes of this Act or the Illinois Violence Prevention Act of 1995, grants to community and Statewide organizations, other units of local and State government, and public school districts that address violence prevention in a comprehensive and collaborative manner, including, but not limited to, (A) community-based youth violence prevention programs, such as mentoring programs, after-school programs, and job training or development programs, (B) programs for the implementation and evaluation of comprehensive school-based violence prevention programs from prekindergarten through 12th grade, (C) early childhood intervention programs designed to prevent violence and identify and serve young children and families at risk, (D) family violence and sexual assault prevention initiatives, (E) programs that integrate violence prevention initiatives with alcohol and substance abuse prevention efforts, (F) programs that integrate violence prevention services with health care provisions, and (G) programs to support innovative community policing or law enforcement approaches to violence prevention; and

(4) to provide technical assistance and training to help build the capacity of communities, organizations, and systems to develop, implement, and evaluate violence prevention programs.

(b) As soon as practicable after the effective date of this amendatory Act of the 97th General Assembly, the personnel of the Illinois Violence Prevention Authority shall be transferred to the Illinois Criminal Justice Information Authority. The status and rights of those employees under the Personnel Code shall not be affected by the transfer. The rights of the employees and the State of Illinois and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement, or annuity plan shall not be affected by this amendatory Act.

(c) As soon as practicable after the effective date of this amendatory Act of the 97th General Assembly, all books, records, papers, documents, property (real and personal), contracts, causes of action, and pending business pertaining to the powers, duties, rights, and responsibilities transferred by this amendatory Act of the 97th General Assembly from the Illinois Violence Prevention Authority to the Illinois Criminal Justice Information Authority, including, but not limited to, material in electronic or magnetic format and necessary computer hardware and software, shall be transferred to the Illinois Criminal Justice Information Authority.

(d) As soon as practicable after the effective date of this amendatory Act of the 97th General Assembly, all unexpended appropriations and balances and other funds available for use by the Illinois Violence Prevention Authority shall be transferred for use by the Illinois Criminal Justice Information Authority. Unexpended balances so transferred shall be expended only for the

purpose for which the appropriations were originally made.

(e) The powers, duties, rights, and responsibilities transferred from the Illinois Violence Prevention Authority by this amendatory Act of the 97th General Assembly shall be vested in and shall be exercised by the Illinois Criminal Justice Information Authority.

(f) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Illinois Violence Prevention Authority in connection with any of the powers, duties, rights, and responsibilities transferred by this amendatory Act of the 97th General Assembly, the same shall be made, given, furnished, or served in the same manner to or upon the Illinois Criminal Justice Information Authority.

(g) This amendatory Act of the 97th General Assembly does not affect any act done, ratified, or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil, or criminal cause by the Illinois Violence Prevention Authority before this amendatory Act of the 97th General Assembly takes effect; such actions or proceedings may be prosecuted and continued by the Illinois Criminal Justice Information Authority.

(h) Any rules of the Illinois Violence Prevention Authority that relate to its powers, duties, rights, and responsibilities and are in full force on the effective date of this amendatory Act of the 97th General Assembly shall become the rules of the Illinois Criminal Justice Information Authority. This amendatory Act of the 97th General Assembly does not affect the legality of any such rules in the Illinois Administrative Code. Illinois Criminal Justice Information Authority rules shall control in instances where the rules overlap or are otherwise inconsistent.

Any proposed rules filed with the Secretary of State by the Illinois Violence Prevention Authority that are pending in the rulemaking process on the effective date of this amendatory Act of the 97th General Assembly and pertain to the powers, duties, rights, and responsibilities transferred, shall be deemed to have been filed by the Illinois Criminal Justice Information Authority. As soon as practicable after the effective date of this amendatory Act of the 97th General Assembly, the Illinois Criminal Justice Information Authority shall revise and clarify the rules transferred to it under this amendatory Act to reflect the reorganization of powers, duties, rights, and responsibilities affected by this amendatory Act, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Criminal Justice Information Authority may propose and adopt under the Illinois Administrative Procedure Act such other rules of the Illinois Violence Prevention Authority that will now be administered by the Illinois Criminal Justice Information Authority.

(i) To the extent that, prior to the effective date of this amendatory Act of the 97th General Assembly, the Executive Director of the Illinois Violence Prevention Authority had been empowered to prescribe rules with regard to the powers, duties, rights, and responsibilities of the Illinois Violence Prevention Authority, such duties shall be exercised solely by the Executive

Director of the Illinois Criminal Justice Information Authority, beginning on the effective date of this amendatory Act of the 97th General Assembly.

→ **3930/10.2. ICJIA Violence Prevention Fund**

§ 10.2. ICJIA Violence Prevention Fund.

(a) The ICJIA Violence Prevention Fund is hereby established as a special fund in the State Treasury into which funds received from private, state, or federal sources specifically for violence prevention may be deposited, and from which funds shall be appropriated to the Authority for the purpose of exercising the powers specified in items (1) through (4) of subsection (a) of Section 10.1 of this Act.

(b) The Fund is a continuation of the Violence Prevention Fund, which was created under Section 20 of the Illinois Violence Prevention Act and repealed by this amendatory Act of the 97th General Assembly.

(c) Unexpended balances transferred by this amendatory Act of the 97th General Assembly may be expended by the Authority but only for the purpose for which the appropriation was originally made.

→ **3930/11. Other Functions**

§ 11. Other Functions. Effective April 1, 1983, if any of the functions relating to the rights, powers, duties and responsibilities described in paragraph (b) of Section 10 of this Act--other than such of said functions, if any, as pertain primarily to the juvenile justice programs referred to in paragraph (a) of Section 10 of this Act--have not been fully completed and performed by the Illinois Law Enforcement Commission, the same shall be transferred to and assumed by the Authority.

→ **3930/12. Administrative Action and Review**

§ 12. Administrative Action and Review. The Illinois Administrative Procedure Act, as amended, [\[FN1\]](#) and the rules and regulations adopted thereunder shall apply to and govern all administrative actions taken by the Authority, where applicable, unless otherwise prescribed by this Act. Judicial review of final administrative decisions may be had in accordance with the Administrative Review Law, [\[FN2\]](#) as now or hereafter amended.

[\[FN1\]](#) [5 ILCS 100/1-1 et seq.](#)

[\[FN2\]](#) [735 ILCS 5/3-101 et seq.](#)

→ **3930/13. Construction of Act**

§ 13. Construction of Act. This Act shall be liberally construed to achieve the purposes set forth in Section 2 of this Act.

Sections 1 through 13 of this Act shall in no respect be considered as a repeal of, nor, except as herein provided with respect to the transfer to the Authority of certain rights, powers, duties and responsibilities of the Illinois Law Enforcement Commission under “An Act creating an Illinois Law Enforcement Commission and defining its powers and duties”, [\[FN1\]](#) as a limitation of the provisions of any existing law of this State concerning law enforcement or criminal justice, but shall be construed as supplemental thereto.

[\[FN1\]](#) Former Ill.Rev.Stat. ch. 38, ¶ 209-1 et seq. (repealed).

→ **3930/14. Illinois Law Enforcement Commission**

§ 14. Illinois Law Enforcement Commission. Effective April 1, 1983:

- (a) The position of Executive Director of the Illinois Law Enforcement Commission is abolished;
- (b) The Illinois Law Enforcement Commission is abolished, and the terms and appointments of its members and Chairman are terminated; and
- (c) “An Act creating an Illinois Law Enforcement Commission and defining its powers and duties”, approved September 20, 1977, as now or hereafter amended, [\[FN1\]](#) is repealed.

[\[FN1\]](#) Former Ill.Rev.Stat. ch. 38, ¶ 209-1 et seq. (repealed).

Authority's Administrative Code

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE E: MISCELLANEOUS STATE AGENCIES

CHAPTER XI: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

PART 1750 PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

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AUTHORITY: Implementing and authorized by Executive Order 82-2 and the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Organizational rules adopted at 7 Ill. Reg. 8239, effective July 5, 1983; Public Information and Rulemaking rules adopted and codified at 8 Ill. Reg. 2457, effective February 9, 1984; organizational rules repealed by Operation of Law October 1, 1984; amended at 9 Ill. Reg. 17358, effective October 28, 1985; amended at 17 Ill. Reg. 21377, effective December 3, 1993; amended at 24 Ill. Reg. 5650, effective March 20, 2000; amended at 26 Ill. Reg. 4182, effective March 7, 2002.

SUBPART A: PUBLIC INFORMATION

Section 1750.100 Applicability

This Section applies to any interested persons seeking or submitting information regarding subjects, programs and activities of the Illinois Criminal Justice Information Authority (hereinafter called "the Authority").

Section 1750.110 Public Requests

- a) Any interested person should submit a request for information in writing. The request should include a complete description of the information requested and the reason for the request. Requests should be directed to:

Executive Director
Illinois Criminal Justice Information Authority
120 South Riverside Plaza
Chicago, Illinois 60606
- b) The Authority shall respond to such requests within seven (7) working days of receipt, whenever possible.
- c) When the request for information calls for information which is confidential or is limited or prohibited by law, the requester shall be so notified in writing.

Section 1750.120 Public Submissions

Any interested person may submit comments and recommendations regarding subject, programs and activities of the Authority in writing to:

Executive Director
Illinois Criminal Justice Information Authority
120 South Riverside Plaza
Chicago, Illinois 60606

SUBPART B: RULEMAKING

Section 1750.200 Procedure

- a) Rules may be proposed by any member of the Illinois Criminal Justice Information Authority (hereinafter called "the Authority"), or the Executive Director. However, rules shall be issued only by the Authority.
- b) Any interested person may petition the Executive Director of the Authority to make, amend or repeal a rule. The Executive Director shall refer all petitions with staff review and recommendations to the Legislation and Regulations Committee of the Authority which shall decide whether or not to recommend for further action.
 - 1) The petition shall be addressed to:

Executive Director
Illinois Criminal Justice Information Authority
120 S. Riverside Plaza
Chicago, Illinois 60606
 - 2) The petition shall contain a clear statement of reasons for the proposed rule, amendment or repeal and the exact language of the suggested new rule or amendment.
- c) All rules promulgated by the Authority shall be in accordance with the procedures for issuing proposed rules and for their ultimate adoption in accordance with the Administrative Procedure Act [5 ILCS 100].
- d) Rules adopted by the Authority shall be available for public inspection during normal working hours at 120 South Riverside Plaza, Chicago, Illinois.

(Source: Amended at 24 Ill. Reg. 5650, effective March 20, 2000)

Section 1750.210 Public Hearings

- a) The Chair or a committee chair may convene public hearings on proposed rulemaking whenever the interest of the State would be best served by such proceedings in order to establish a record of public comment.
- b) Formal notice of a public hearing shall be given upon at least ten (10) business days notice in accordance with the Illinois Open Meetings Act [5 ILCS 120]. The notice shall include the date, time and place of the proceedings.

- c) Minutes of public hearings shall be recorded and shall be available for public inspection.

(Source: Amended at 24 Ill. Reg. 5650, effective March 20, 2000)

SUBPART C: ORGANIZATION

Section 1750.310 Preamble

The Illinois Criminal Justice Information Authority (hereinafter called the "Authority") shall have the duties and responsibilities set forth in Governor James R. Thompson's Executive Order Number 82-2, dated April 1, 1982 and the Illinois Criminal Justice Information Act [20 ILCS 3930].

(Source: Amended at 24 Ill. Reg. 5650, effective March 20, 2000)

Section 1750.320 Officers

- a) Chair – The Chair shall be an Authority member designated by and serving at the pleasure of the Governor.
- b) Vice Chair – The Vice Chair shall be an Authority member designated by and serving at the pleasure of the Chair. Upon disability or unavailability of the Chair, the Vice Chair shall function as the Chair until the Chair again becomes able or available or until the Governor appoints a new Chair.
- c) Secretary – The Chair shall appoint the Secretary, who shall serve at his or her pleasure. The Secretary need not be an Authority member, but if he or she is not an Authority member, he or she may not exercise the powers and functions of Authority members. The Secretary shall draft and forward the minutes of each meeting to Authority members prior to the next Authority meeting, at which time they shall be submitted to the Authority for approval. Copies of approved minutes shall be promptly posted on the Authority's website and sent to the Governor's office and anyone who requests them. The Secretary shall also provide for the public notice of regular, rescheduled and special Authority meetings as required by the Illinois Open Meetings Act [5 ILCS 120], and perform such other tasks as the Chair designates.

(Source: Amended at 24 Ill. Reg. 5650, effective March 20, 2000)

Section 1750.330 Meetings

- a) Regular Meetings – Regular meetings of the Authority shall be held at least four (4) times per year at the offices of the Authority or at some location to be determined by the Chair when room is unavailable at the offices of the Authority or when necessary parties will be unable to attend unless the meeting is held elsewhere. Meetings and notice for meetings shall be in conformance with the Illinois Open Meetings Act.
- b) Special Meetings – Special meetings of the Authority shall be called in conformance with the Illinois Open Meetings Act either by the Chair or by a request signed by at least five of the Authority members. Only matters contained in the agenda shall be voted on at any special meeting. In the event the need for a special meeting no longer exists or the Chair has notice that a quorum will not be reached, the Chair may cancel a special meeting provided that a meeting called at the request of Authority members may be cancelled only with their consent.
- c) Quorum – A quorum shall constitute a majority of the Authority members then holding office who are present at the initial roll call at the commencement of any regular or special meeting. If a quorum is not present at the scheduled time of the meeting, the Chair may continue a roll call for a reasonable time after which, if a quorum is still not present, the meeting shall be adjourned.
- d) Passage of Motions – After a quorum is announced a majority of those voting on a motion shall be sufficient to pass and make it the official act of the Authority. After a quorum is announced, Authority business may continue to be transacted by the members remaining, provided, however, that no vote may be taken unless at least one third of the members then holding office are still present at the time of the vote.
- e) Voting Procedures – The Chair shall have the right to call for a vote by voice vote or by leave to adopt a previous roll call vote, in all cases unless there is an objection by one member, in which case a roll call vote shall be taken. The minutes shall reflect the results of each roll call.
- f) Participation in Meetings
 - 1) Proxies – Proxies to vote shall not be permitted. An Authority member must be present to record his or her vote and to present a motion or motions.
 - 2) Written Communication – When unable to attend, Authority members may present signed and dated written communications which shall be distributed or read to Authority members by the Chair. Such written

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communication shall not be considered proxies, votes or motions. However, a motion or motions may be made by other members concerning the contents of such written communication.

- 3) Discussion – Discussion and participation in meetings shall be subject to Robert's Rules of Order. Non-Authority members may not address the Authority or otherwise participate in its meetings in any manner without the consent of the Chair. However, if there is an objection by an Authority member to such address there shall be a vote of the Authority upon the matter. The Executive Director and other members of the staff shall have the right to address the Authority and participate in discussion.
- 4) Disruption – Anyone disrupting or otherwise interfering with the conduct of a meeting shall be removed from the place of meeting by order of the Chair.
- g) Agenda – The Chair shall prescribe the agenda for all Authority meetings. Any Authority member may have an item placed on the agenda by notifying the Chair in writing in advance of the mailing of the agenda. Such notification also should include a copy of any written materials that the Authority member wishes distributed to the Authority members. In every agenda, except at special meetings, there shall be a category entitled "New Business" for the initiation of matters not included in the agenda for that meeting. However, new business matters that would adversely affect the rights of any party(ies) may not be finally acted on unless the party(ies) affected has been given prior written notice thereof.
- h) Notice – An agenda, together with a notice of the time and place of all regular meetings shall be mailed to Authority members at least ten (10) business days prior to the meeting date. The Chair may postpone or reschedule any regular or special meeting upon at least 24 hours notice--by telephone, mail or equivalent--prior to the scheduled meeting. Notice of the rescheduled meeting date shall be provided at least 48 hours in advance. However, no rescheduled regular or special meeting which is to include public hearings or regulatory or rulemaking proceedings shall be rescheduled without notice being mailed at least ten (10) business days prior to the rescheduled meeting date.
- i) Expenses – Authority members shall be entitled to reimbursement for reasonable expenses incurred in connection with their duties.

(Source: Amended at 24 Ill. Reg. 5650, effective March 20, 2000)

Section 1750.340 Committees

- a) Committee Structure – The Authority shall have both ad hoc and standing committees.
- b) Membership – The Chair shall appoint all committee chairs and vice chairs. Except for the Appeals Committee, standing committees shall consist of at least seven members of the Authority appointed by the Chair. Ad Hoc Committees shall include at least one Authority member, who shall be appointed by the Chair. The Chair may appoint non-Authority members to an Ad Hoc Committee. The members of all committees shall serve at the pleasure of the Chair. The Chair and Vice Chair, ex officio, shall be voting members of all committees.
- c) Meetings – Either the Chair or a committee chair may schedule a committee meeting.
- d) Quorum – No business may be conducted by a committee unless a majority of the number of committee members, including either the committee chair or vice chair, are present. Members may be present via electronic means, including but not limited to, conference calls and video conferencing. After a quorum is announced, no committee vote may be taken unless at least three (3) committee members are present at the time of the vote.
- e) Public Hearings – The Chair or a committee chair may convene public hearings, upon at least ten (10) business days notice, in order to establish a record of public comment on proposed rules, regulations or legislation. The presence of a majority of the number of committee members shall not be required in order to conduct public hearings.
- f) Participation – With the consent of a committee chair, representatives of any Authority member, specifically designated to the Chair of the Authority, may participate in any committee meeting for discussion purposes. Members of the Authority who are not committee members shall have the right to participate in committee meetings and shall have the right to vote. The Chair of the Authority may designate any Authority member to become an ad hoc voting member of a committee when necessary to ensure a quorum.
- g) Designees – The ex officio members of the Authority may appoint a deputy director, assistant director, or similar senior level staff person as the Authority member's designee to serve as a voting member on any standing committee; however, the Chair or Acting Chair of a committee shall be an Authority member. Such designation shall be in writing to the Chair of the Authority who will inform the appropriate committee chairs. For purposes of these rules, the ex officio members of the Authority are: the Attorney General, the director of the

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Illinois Department of Corrections, the director of the Illinois Department of State Police, the director of the Office of the State's Attorneys Appellate Prosecutor, the executive director of the Illinois Law Enforcement Training Standards Board, the director of the Office of the State Appellate Defender, the Sheriff of Cook County, the clerk of the circuit court of Cook County, the State's Attorney of Cook County, and the superintendent of the Chicago Police Department..

- h) Notice – A committee meeting shall be scheduled upon at least 48 hours notice – by telephone, mail or equivalent – to the committee members. However, notice for any committee meeting involving public hearings or regulatory or rulemaking proceedings must be mailed at least ten (10) business days prior to the meeting date.
- i) Oversight of Committees – In order to provide for oversight by the Authority of actions taken by any committee, whether ad hoc or standing, Authority members shall be notified – by phone, mail or equivalent – of all motions passed by a particular committee, within five (5) business days of any committee meeting, or prior to the next meeting of that committee, or before the next meeting of the Authority, whichever is sooner. Within ten (10) business days of receipt of such information, a special meeting of the Authority may be convened upon the request of five (5) Authority members, for the purpose of fully discussing any action taken by a committee and to supersede the authorization granted to the committee to act on the Authority's behalf in any particular matter.
- j) Minutes and Reports – Minutes of all committee meetings shall be kept. Copies of minutes shall be furnished to all members of the Authority within 42 days following each committee meeting. Minutes and reports shall be the responsibility of the committee secretary. A committee chair may designate anyone to serve as committee secretary.
- k) Rules – Committees shall be governed by these Organizational Rules.
- l) Ad Hoc Committees – The Chair may create Ad Hoc Committees. Ad Hoc Committees shall exercise those powers as are delegated to them by the Chair, these Organizational Rules, and as are appropriate to their mission and responsible. Ad Hoc Committee reports and recommendations shall be submitted to the Chair and shall be advisory only.
- m) Standing Committees – The Authority shall establish the following standing committees with the powers and duties stated.
 - 1) Budget Committee – The Budget Committee shall:

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- A) review the budget of the Authority and oversee the Criminal Justice Information Systems Fund;
 - B) receive fiscal reports about the funds made available to further the purposes of the Illinois Criminal Justice Information Act;
 - C) oversee the grant award procedures of the Authority; and
 - D) present testimony and advocate the Authority's budget request before the Governor and General Assembly.
- 2) Information Systems Committee – The Information Systems Committee shall:
- A) review and monitor the development and operation of comprehensive criminal justice information systems in Illinois; and
 - B) oversee the annual and periodic audits of the state central repositories as provided in the Illinois Criminal Justice Information Act.
 - C) evaluate programs and make recommendations regarding the proper reporting of automated dispositions to the Department of State Police by state's attorneys and clerks of the circuit courts.
- 3) Legislation and Regulations Committee – The Legislation and Regulations Committee shall:
- A) review legislation and regulations proposed by Authority staff and other agencies which have systemic impact on criminal justice information;
 - B) provide testimony and make recommendations to the Governor and General Assembly regarding proposed legislation and regulations, as provided in the Illinois Criminal Justice Information Act;
 - C) study and recommend regulations to ensure the privacy and security of criminal history record information as required by the Illinois Criminal Justice Information Act; and
 - D) provide testimony and act as an advocate before the Joint Committee on Administrative Rules in favor of those privacy and security and other rules and regulations proposed by the Authority as required by the Illinois Criminal Justice Information Act.

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- 4) Planning and Research Committee – The Planning and Research Committee shall:
 - A) review the research projects, proposals and programs of the Authority;
 - B) plan, evaluate and correlate State and local programs as provided in the Illinois Criminal Justice Information Act; and
 - C) oversee the establishment and operation of an institutional review board to ensure the protection of human research subjects.
- 5) Appeals Committee – The Appeals Committee shall hear all administrative appeals by individuals challenging the accuracy and completeness of criminal history record information. The Appeals Committee shall consist of three of the Authority's five members of the general public. The Chair of the Authority shall appoint the chair and members of the Appeals Committee. If one or more of the members of the Appeals Committee are unavailable to hear an appeal, then the Chair of the Authority, or in his or her absence the Vice Chair, shall appoint replacement(s) for the unavailable member(s) for the limited purpose of hearing the appeal in question.
- n) With the advice and consent of the chair of any standing committee, the Chair of the Authority may create Advisory Committees to a standing committee. The Chair may appoint non-Authority members to an Advisory Committee. The members of an Advisory Committee shall serve at the pleasure of the Chair. Advisory Committees shall exercise those powers as are delegated by the committee chair, these organizational rules and as are appropriate to their mission and responsibilities. Advisory Committee reports and recommendations shall be submitted to the committee chair and shall be advisory only.

(Source: Amended at 26 Ill. Reg. 4182, effective March 7, 2002)

Section 1750.350 Authority Staff

- a) Executive Director – The Executive Director shall be appointed by and shall serve at the pleasure of the Governor. The Executive Director shall function as the chief executive officer of the Authority and in that capacity is authorized to bind the Authority in contractual and other matters affecting the general operations and responsibilities of the Authority, as provided in the Illinois Criminal Justice Information Act. The Executive Director shall devote his or her full time to assisting the Authority in performance of its duties and in fulfilling its responsibilities. The Executive Director shall regularly review and from time to

time recommend to the Authority appropriate amounts for the establishment of user's fees to be collected from local criminal justice agencies, as provided in the Illinois Criminal Justice Information Act. He or she may also exercise such additional powers as may be delegated to him or her from time to time by the full Authority or its committees.

- b) Authority Staff – The Authority Staff shall consist of such administrative, professional, clerical, and other personnel as deemed required by the Executive Director to assist the Authority in performing its duties and fulfilling its responsibilities. The Authority staff shall be organized by the Executive Director as he or she may deem appropriate. Staff members shall be employed by the Executive Director in accordance with the Personnel Code [20 ILCS 415], and will perform duties as requested or directed by him or her.

(Source: Amended at 24 Ill. Reg. 5650, effective March 20, 2000)

Section 1750.360 Amendment of Organizational Rules

These Organizational Rules may be amended at any regular or special meeting by a majority of the members present, provided that the proposed amendment shall have been distributed at least ten (10) business days prior to such meeting.

(Source: Added at 9 Ill. Reg. 17358, effective October 28, 1985)

Section 1750.370 Unspecified Matters

All matters not specified by these Organizational Rules shall be governed by Executive Order Number (82-2), dated April 1, 1982, the Illinois Criminal Justice Information Act [20 ILCS 3930], the Open Meetings Act [5 ILCS 120], the Illinois Administrative Procedure [5 ILCS 100], and the latest edition of Robert's Rules of Order whenever applicable.

(Source: Amended at 24 Ill. Reg. 5650, effective March 20, 2000)

Section 1750.380 Effective Date

The Organizational Rules take effect upon their approval by a majority vote of those Authority members present, and the filing of a copy thereof with the Office of the Secretary of State, and the fulfilling of any other statutory requirements, in accordance with law.

(Source: Added at 9 Ill. Reg. 17358, effective October 28, 1985)

**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY
PART 1500 THE UNIFORM CONSIDERATION OF ANNUAL AND PERIODIC
AUDITS OF THE STATE CENTRAL REPOSITORIES FOR CRIMINAL HISTORY
RECORD INFORMATION**

**SUBPART A: THE UNIFORM CONSIDERATION OF ANNUAL AND PERIODIC
AUDITS OF THE STATE CENTRAL REPOSITORIES FOR CRIMINAL HISTORY
RECORD INFORMATION**

Section

- 1500.100 Purpose
- 1500.200 Audit Conduct
- 1500.300 Responsibilities of the State Central Repositories
- 1500.400 Sampling Procedures
- 1500.500 Audit Findings and Reports

SUBPART B: THE UNIFORM CONSIDERATION OF ADMINISTRATIVE APPEALS

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- 1510.100 Purpose
- 1510.200 Definitions
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**SUBPART C: OPERATING PROCEDURES FOR THE ADMINISTRATION OF
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- 1570.10 Purpose and Authorization
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Section

- 1580.10 Purpose and Applicability
- 1580.20 Definitions
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- 1580.50 Expedited Review
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- 1580.80 Requirements for Submitting Research Proposals

AUTHORITY: Implementing and authorized by Executive Order 82-2 and the Illinois Criminal Justice Information Act (20 ILCS 3930).

SOURCE: The Uniform Consideration of Annual and Periodic Audits of the State Central Repositories for Criminal History Record Information adopted at 8 Ill. Reg. 4903, effective April 2, 1984; Operating Procedures for the Administrative of Federal Funds Emergency rules adopted at 9 Ill. Reg. 15548, effective September 30, 1985; new rules adopted at 10 Ill. Reg. 10546,

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effective June 3, 1986; emergency amendments at 11 Ill. Reg. 9626, effective April 29, 1987, for a maximum of 150 days; emergency expired September 26, 1987; amended at 12 Ill. Reg. 8649, effective May 9, 1988; emergency amendments at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 5926, effective April 17, 1989; emergency amendments at 20 Ill. Reg. 3335, effective February 2, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8316, effective June 7, 1996; emergency amendments at 21 Ill. Reg. 651, effective December 26, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 8909, effective June 27, 1997; Operating Procedures for the Administration of Non-Federal Grant Funds adopted at 15 Ill. Reg. 7034, effective April 25, 1991; emergency amendment at 24 Ill. Reg. 1282, effective January 7, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 8243, effective May 30, 2000; Fees for Processing Requests for Conviction Information adopted at 18 Ill. Reg. 4679, effective March 14, 1994; emergency amendment at 22 Ill. Reg. 975, effective December 17, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 9557, effective May 26, 1998; amended at 29 Ill. Reg. 6907, effective May 1, 2005; Protection of Human Subjects in Research Conducted by Authority adopted at 25 Ill. Reg. 12420, effective September 17, 2001.

Section 1500.100 Purpose

As the official body in the State of Illinois designated to conduct annual and periodic audits of the procedures, policies, and practices of the state central repositories for criminal history record information, the Illinois Criminal Justice Information Authority (hereinafter called the Authority) shall be responsible for monitoring and evaluating the performance of the repositories with respect to the accuracy and completeness of criminal history record information and for the detection and correction of audit exceptions. The Authority shall conduct the annual and periodic audits for the purposes of ensuring:

- a) continuing public review and discussion of the procedures, practices, and policies of the repositories' maintenance of criminal history record information;
- b) adherence to federal and state laws governing criminal history record information (See e.g., 28 CFR 20 et seq., as amended December 6, 1977; Ill. Rev. Stat. 1982 Supp., ch. 38 pars. 210-1 et seq., as amended; Public Act 83-1013, certified December 27, 1983);
- c) retention of documentation tracing the creation, copying, and dissemination of criminal history record information;
- d) compliance by the repositories with their internal procedures, policies, and practices; and
- e) availability of information regarding the accuracy, completeness and integrity of the criminal history record information maintained throughout the State.

Section 1500.200 Audit Conduct

- a) The Authority shall audit the state central repositories at least once each year. The Executive Director shall designate those members of the Authority staff authorized to conduct the audits of the state central repositories on behalf of the Authority (based upon costs and available resources). The Executive Director shall also authorize other state employees or private or government consultants to conduct audits when such assistance is required to improve the efficiency of the audit.
- b) All persons authorized by the Executive Director to conduct audits on behalf of the Authority shall be subject to personnel clearances as required by federal regulations (28 CFR 20, as amended December 6, 1977) and shall have an obligation to be familiar with the substance and intent of all federal and state laws regarding the privacy and security of criminal history record information.

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- c) The audits shall be conducted on the premises of the state central repositories when necessary for the Authority to review original record documents or to improve the quality of the audit. In addition, the Authority shall direct the repositories to provide whatever information is required to complete the audit.
- d) The Authority shall audit a representative sample of records maintained by the state central repositories for compliance with established procedures. At a minimum, the Authority shall audit:
 - 1) accuracy and completeness of records;
 - 2) dissemination procedures for consistency with state and federal laws;
 - 3) correction procedures for records found to contain errors;
 - 4) delinquent disposition monitoring, internal audit, security, access and review procedures.
- e) The audit procedures stated herein shall apply to both manual and automated criminal history record information.

Section 1500.300 Responsibilities of the State Central Repositories

- a) As required by law, the state central repositories shall audit, correct and update criminal history record information maintained by them. This responsibility shall be fulfilled by conducting systematic audits for accuracy and completeness by automatically logging data entries, primary and secondary disseminations and by automatically monitoring for delinquent dispositions.
- b) The state central repositories shall audit local criminal justice agencies reporting to them or obtaining criminal history record information from them. This responsibility shall be fulfilled by conducting random audits for compliance with state and federal requirements regarding criminal history record information, including, but not limited to, auditing for disposition reporting, dissemination, security, access and review of such information.
- c) In conducting the audits of local criminal justice agencies described above, the state central repositories shall document each individual record, practice, policy or procedure audited by recording whether or not any audit exception was found, if so, stating what the exception was, the nature of the response needed to correct the exception, and the date the correction was actually made. This documentation shall be retained by the state central repositories for one year after the Authority issues an audit report.

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- d) The state central repositories shall notify the local criminal justice agency, in writing, of all errors and exceptions found and establish a reasonable time period in which the local criminal justice agency can respond and correct the errors or exceptions, but not more than thirty days. At the expiration of the time period established, the state central repositories shall monitor the local agency to determine whether the errors or exceptions have, in fact, been corrected.

Section 1500.400 Sampling Procedures

- a) The state central repositories shall audit a statistically significant random sample of the records they maintain for accuracy and completeness by comparing them with the source documents. Such audits shall be conducted at least once a year, documented as described in Section 1500.300(c) above, and retained for at least one year for audit by the Authority.
- b) The state central repositories shall audit a representative sample of local criminal justice agencies chosen on a random basis for compliance with state and federal laws. Such audits shall be conducted on a continuous basis, documented as described in Section 1500.300(c) above, and retained for at least one year for audit by the Authority. A "representative sample" as used in this subsection means a statistically significant number of criminal justice agencies varying by type, geographic location and size (expressed by population served) so as to fairly depict a cross-section of the criminal justice agencies found in the state.

Section 1500.500 Audit Findings and Reports

- a) The Authority shall issue a report of its audit findings to the Governor, the General Assembly, the state central repositories, and the public.
- b) The report shall include a precise statement of the scope of the audit, a statement of the findings resulting from the audit, a statement of the prospective significance of the findings, recommendations to the state central repositories with respect to their procedures, practices, and policies, and a statement of explanation or rebuttal which may have been submitted by the audited agency.
- c) In conducting subsequent audits the Authority shall specifically monitor the state central repositories for correction of audit exceptions noted in the previous audit and include its findings in the audit report.

**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY
PART 1510 THE UNIFORM CONSIDERATION OF ADMINISTRATIVE APPEALS
SECTION 1510.100 PURPOSE**

SUBPART B: PURPOSE

Section 1510.100 Purpose

The Illinois Criminal Justice Information Authority (hereinafter called the "Authority") is the sole administrative appeal body in the State of Illinois to conduct hearings and make final determinations concerning individual challenges to the completeness and accuracy of criminal history record information (Illinois Criminal Justice Information Act, Ill. Rev. Stat. 1982 Supp., ch. 38, par. 210-7(h)) and is authorized to promulgate such rules, regulations, and procedures as are necessary to the operation of the Authority and to the uniform consideration of appeals (Ill. Rev. Stat. 1982 Supp., ch. 38, par. 210-7(o)). The purpose of public administrative appeal hearings shall be to air the pertinent evidence in cases concerning individual access and review of criminal history record information, while affording due process to all parties. All parties shall have the right to appear with counsel, to be present and to participate. The right to participate shall include the rights to call, examine and cross-examine witnesses, and to introduce evidence into the record. Unless specified otherwise herein, all public administrative appeal hearings of the Authority shall be governed by the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, pars. 1001 et seq.) as in effect as of the date of filing of this rule.

Section 1510.200 Definitions

- a) Appeals Committee – The term "Appeals Committee" means the standing committee of the Authority consisting of the Authority's three members of the general public.
- b) Committee Chairman – The term "committee chairman" means the chairman of the Appeals Committee of the Authority who is appointed by the Chairman of the Authority.

Section 1510.300 Request for Administrative Appeal

- a) An individual shall file with the Authority a request for administrative appeal within 56 days of receipt of written notification that an administrative review has been completed by the reviewing agency of the state central repository. Such request shall be submitted to the Authority on an "Administrative Appeal Complaint Form," or, if such form is unavailable, a written request for administrative appeal may be substituted.

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- b) An Administrative Appeal Complaint Form shall contain the reviewing agency's name and the National Crime Information Center (NCIC) number, the State identification number, the individual's full name, address and telephone number, date of birth, notices and instructions, the reviewing officer's name and identification number, the individual's signature, the date filed, space for narrative explaining the specific item or items challenged as being incomplete or inaccurate, the exact correction(s) the individual would have the Authority make, and a space where the individual may request an oral hearing. The form shall also contain a space for a narrative to allow explanation of the reason for the appeal.
- c) Upon receipt of a request for an administrative appeal, the Appeals Committee shall request that the state central repository or reviewing criminal justice agency forward within seven (7) days all documentation and information used by the reviewing agency to reach its decision.

Section 1510.300 Request for Administrative Appeal

- a) An individual shall file with the Authority a request for administrative appeal within 56 days of receipt of written notification that an administrative review has been completed by the reviewing agency of the state central repository. Such request shall be submitted to the Authority on an "Administrative Appeal Complaint Form," or, if such form is unavailable, a written request for administrative appeal may be substituted.
- b) An Administrative Appeal Complaint Form shall contain the reviewing agency's name and the National Crime Information Center (NCIC) number, the State identification number, the individual's full name, address and telephone number, date of birth, notices and instructions, the reviewing officer's name and identification number, the individual's signature, the date filed, space for narrative explaining the specific item or items challenged as being incomplete or inaccurate, the exact correction(s) the individual would have the Authority make, and a space where the individual may request an oral hearing. The form shall also contain a space for a narrative to allow explanation of the reason for the appeal.
- c) Upon receipt of a request for an administrative appeal, the Appeals Committee shall request that the state central repository or reviewing criminal justice agency forward within seven (7) days all documentation and information used by the reviewing agency to reach its decision.

Section 1510.400 Administrative Appeal Hearings

- a) The Appeals Committee of the Authority shall conduct administrative appeal hearings on behalf of the Authority.

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- b) All hearings shall be open to the public. However, hearings, or parts of hearings, may be closed to the public upon request of the individual and at the discretion of the Appeals Committee, to the extent necessary to protect the privacy of individuals or to ensure the security of criminal history record information, pursuant to federal or state law or regulations. See Omnibus Crime Control and Safe Streets Act of 1968, as amended, (42 U.S.C. 3701 et seq.), Federal Privacy and Security Regulations (28 CFR 20, as amended December 6, 1977), Illinois Open Meetings Act (Ill. Rev. Stat. 1981, ch. 102, pars. 41 et seq.) and Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, pars. 1010-1015), as in effect as of the date of filing (adopting) of this rule.
- c) Within 28 days of receipt of a request for administrative appeal, the committee chairman shall set a date for the hearing and shall notify the individual of the time, date, and place of the hearing by mail at least seven (7) days prior to the hearing.
- d) A hearing must be conducted within 49 days of receipt of a request for administrative appeal, unless the time period is waived by the individual.
- e) The hearing shall be conducted at the offices of the Authority unless the committee chairman determines that the hearing should be in some other location based on the following factors: residence of the individual, location of the reviewing criminal justice agency, or the location of necessary witnesses. Every effort shall be made to hold the hearing in a place convenient to all parties involved.
- f) At a hearing, the individual may appear with counsel, may present evidence, and may cross-examine witnesses.
- g) All testimony at the hearing shall be under oath or affirmation.
- h) An accurate record, which may be taken by tape recording, stenographer or any other means which will result in a verbatim record, shall be kept of the proceedings of any hearing at no expense to the parties. The record need not be transcribed or printed unless the Appeals Committee receives notice of an appeal of its decision and a request for such transcript is made. Upon written request to the Authority, a party shall be entitled to be furnished the use of a stenographer and/or a transcript of the record for a fee in accordance with the State Records Act (Ill. Rev. Stat. 1981, ch. 116, pars. 43.4 et seq.) as in effect as of the date of the filing of this rule, or if the State Records Act is not applicable, a fee equal to the cost to the Authority for fulfilling the request. Such fee shall not exceed the actual cost of stenographic charges or the actual cost for reproduction of the transcript.

Section 1510.500 Evidence

The Authority shall exclude irrelevant, immaterial or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties. An opportunity shall be given to refute facts and arguments advanced on either side of the issues either by written or oral statements.

Section 1510.600 Findings and Orders

- a) The Appeals Committee shall issue findings and orders on behalf of the Authority.
- b) Unless waived by the individual, the Appeals Committee shall issue written findings of fact and conclusions within 28 days from the date the administrative appeal is heard. The Appeals Committee shall send written notice of the findings of fact, reasons therefor, and the conclusions to the Authority, the individual, the reviewing agency and the state central repository. After fifteen (15) business days, such action shall constitute the final decision of the Authority.
- c) If the criminal history record information in question is found to be incomplete, inaccurate, or not maintained in accordance with the standards of the agency which regularly maintains the records, the Appeals Committee shall request the Authority to order the information to be purged, sealed, modified, or supplemented by explanatory notation, as appropriate. Such order shall be executed by the reviewing agency and state central repository within 24 hours of receipt of the order. The reviewing agency or the state central repository shall disseminate the corrected information to all agencies which have received this information.

Section 1510.700 Failure to Provide Information

The failure of any individual or agency to supply the Appeals Committee with requested information or to testify upon request of the Appeals Committee shall be grounds for reaching conclusions against the interest of the disobedient individual or agency.

**SUBPART C: OPERATING PROCEDURES FOR THE ADMINISTRATION OF
FEDERAL FUNDS**

Section

1520.10 Purpose and Authorization

1520.31 Definitions

1520.41 Application and Receipt of Justice Assistance Act of 1984 Funds (Repealed)

1520.49 Application and Receipt of Victims of Crime Act of 1984 Funds

1520.45 Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds (Repealed)

1520.50 Application and Receipt of Anti-Drug Abuse Act of 1988 Funds

1520.51 Application and Receipt of Violence Against Women Act of 1994 Funds

1520.52 Application and Receipt of other Federal Program Funds

1520.51 Administration of Federal Funds

1520.60 Appeals

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Emergency rules adopted at 9 Ill. Reg. 15548, effective September 30, 1985; new rules adopted at 10 Ill. Reg. 10546, effective June 3, 1986; emergency amendments at 11 Ill. Reg. 9626, effective April 29, 1987, for a maximum of 150 days; emergency expired September 26, 1987; amended at 12 Ill. Reg. 8649, effective May 9, 1988; emergency amendments at 13 Ill. Reg. 1605, effective January 24, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 5926, effective April 17, 1989; emergency amendments at 20 Ill. Reg. 3335, effective February 2, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8316, effective June 7, 1996; emergency amendments at 21 Ill. Reg. 651, effective December 26, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 8909, effective June 27, 1997.

Section 1520.10 Purpose and Authorization

- a) The Illinois Criminal Justice Information Authority (Authority) establishes this Part to exercise its responsibility *to apply for, receive, establish priorities for, allocate, disburse and spend grant funds that are made available by...the United States pursuant to the federal Crime Control Act of 1973 (P.L. 93-83), as amended, and similar federal legislation, and to enter into agreements with the United States Government to further the purposes of the Act, or as may be required as a condition of obtaining federal funds,....* [20 ILCS 3930/7(k)]
- b) Pursuant to the Organizational rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340), the Budget Committee has the duty to oversee the grant award procedures of the Authority. This duty includes responsibility for establishing grant award procedures, submission of the

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Applications for funds and oversight of the grant award procedures for Victims of Crime Act of 1984 (P.L. 98-473, effective October 12, 1984), Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988), Violence Against Women Act of 1994 (P.L. 103-322, effective September 13, 1994), and other federal program funds that the Authority is designated to administer.

(Source: Amended at 21 Ill. Reg. 8909, effective June 27, 1997)

Section 1520.20 Definitions

Adverse Action – The term "adverse action" means any or all of the following with respect to federal funds administered by the Authority:

The suspension by the Executive Director of the performance of an interagency agreement for more than twenty-eight (28) days aggregated within a twelve month period, exclusion of any period of extension that may be granted under Section 1520.50(c).

The termination of an interagency agreement by the Executive Director.

The denial by the Executive Director of a request for a material revision to an interagency agreement.

Application – The term "Application" means the document submitted by the Authority on behalf of the State of Illinois to apply for funds available from a federal agency.

Budget Committee – The term "Budget Committee" means the Budget Committee of the Authority as empowered by the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340).

Executive Director – The term "Executive Director" means the Executive Director of the Authority (Ill. Rev. Stat. 1983, ch. 38, par. 210-6 and 2 Ill. Adm. Code 1750.350.).

Interagency Agreement – The term "interagency agreement" means a contract between the Authority and a unit of state or local government or a not-for-profit organization whereby the Authority provides funds to carry out specified programs, services, or activities.

Implementing Agency – The term "implementing agency" means any party, including the Authority, designated to receive funds administered by the Authority pursuant to these rules.

**Section 1520.30 Application and Receipt of Justice Assistance Act of 1984 Funds
(Repealed)**

(Source: Repealed at 21 Ill. Reg. 8909, effective June 27, 1997)

Section 1520.40 Application and Receipt of Victims of Crime Act of 1984 Funds

- a) The Authority will annually review Section 1404 of the Victims of Crime Act of 1984 (P.L. 98-473, effective October 12, 1984) and based on the requirements of Section 1404(a) and (b), the need for services to victims and the services available to address that need, as evidenced by oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (Ill. Rev. Stat. 1983, ch. 102, par. 41 et seq.), select program priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).
- b) For purposes of determining the distribution of federal funds made available to the State of Illinois through the Victims of Crime Act of 1984, the Authority shall give priority to those units of local government and not-for-profit organizations providing assistance to victims of sexual assault, spousal abuse, or child abuse. To that end, based upon the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those units of local government and not-for-profit organizations eligible for the receipt of federal funds:
 - 1) demonstration of either a record of providing effective services to victims of crime and financial support from sources other than the Victims of Crime Fund or substantial financial support from sources other than the Victims of Crime Fund;
 - 2) utilization of volunteers in providing such services;
 - 3) promotion within the community served of coordinated public and private efforts to aid crime victims;
 - 4) assistance of potential recipients in seeking crime victim compensation benefits;
 - 5) an analysis of need as evidenced by demographic and criminal justice data; and
 - 6) current research findings.

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A unit of local government or not-for-profit organization, so identified, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the Victims of Crime Act of 1984 and, if so interested and so qualified, to prepare a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the unit of local government or not-for-profit organization proposes to achieve those objectives. A unit of local government or not-for-profit organization not so identified by the Executive Director shall, however, upon written request to the Executive Director, be included among those units of local government or not-for-profit organizations evaluated by the Executive Director pursuant to the criteria described herein.

- c) The Budget Committee shall, at a public meeting, designate programs or services, implementing agencies, and amounts for funding which address one or more of the program priorities specified by the Authority in subsection (a) above, consistent with the Victims of Crime Act of 1984 and the Program Guidelines for Crime Victim Assistance Grants of the Department of Justice, Office of Justice programs (50 FR 43011, et seq., October 23, 1985). The Budget Committee's decision to designate these programs or services, implementing agencies and fund amounts shall be based upon equal consideration of the following factors:
 - 1) the recommendations of the Executive Director made pursuant to subsection (b) above;
 - 2) comments from the public and State and local officials;
 - 3) the availability of funds; and
 - 4) the overall cost of the program or services.
- d) Pursuant to Section 1402(d)(2) of the Victims of Crime Act of 1984 and the Program Guidelines for Crime Victim Assistance Grants, the Application to the Office for Victims of Crime shall include a table of fund allocations and those certifications and assurances listed in Section 1404 of the Victims of Crime Act of 1984.
- e) Upon notification by the Office for Victims of Crime that an Application has been approved, the Executive Director shall enter into interagency agreements with the implementing agencies designated by the Budget Committee pursuant to subsection (c) above, specifying the terms and conditions under which the programs, services, or activities are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the

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Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority.

Section 1520.45 Application and Receipt of State and Local Law Enforcement Assistance Act of 1986 Funds (Repealed)

(Source: Repealed at 21 Ill. Reg. 8909, effective June 27, 1997)

Section 1520.46 Application and Receipt of Anti-Drug Abuse Act of 1988 Funds

- a) The Authority will annually review Section 501 of the Anti-Drug Abuse Act of 1988 (P.L. 100-690, effective November 18, 1988) and based on the need for services to enforce state and local laws that establish offenses similar to offenses established in the Controlled Substances Act (21 U.S.C. 801 et. seq.) and to improve the functioning of the criminal justice system with emphasis on violent crime and serious offenders, the services available to address that need, and oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act (Ill. Rev. Stat. 1987, ch. 102, par. 41 et seq.), select program funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).
- b) Federal funds made available to the State of Illinois through the Anti-Drug Abuse Act of 1988 shall be distributed to State agencies and units of local government. In distributing funds among urban, rural and suburban units of local government and combinations thereof, the Authority shall give priority to those jurisdictions with the greatest need. Based on the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those State agencies and units of local government eligible for the receipt of federal funds:
 - 1) analysis of need as evidenced by demographic and criminal justice data;
 - 2) comments from the public and state and local officials;
 - 3) information (including but not limited to drug activity information, arrests, prosecutions, drug types, prior experience with grants and current efforts regarding drug enforcement) indicating the likelihood that a State agency or unit of local government will achieve the desired objectives of the Anti-Drug Abuse Act of 1988;

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- 4) drug law enforcement and violent crime information, including arrests, prosecutions, convictions, recidivism, (percentages as well as gross numbers), overdose, information provided to police by citizens, and treatment information such as admissions to programs; and
 - 5) current research findings.
- c) A unit of local government or State agency, so identified pursuant to subsection (b) above, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the Anti-Drug Abuse Act of 1988 and, if so interested and so qualified, to prepare a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the unit of local government or State agency proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of the above-mentioned funds, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching money.
- d) A unit of local government or state agency not so contacted by the Executive Director pursuant to subsection (c) above shall, however, upon written request to the Executive Director, be included among those units of local government or State Agencies evaluated by the Executive Director pursuant to the criteria established in subsection (b) above. Such written request shall include a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the unit of local government or State Agency proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of federal funds pursuant to the Anti-Drug Abuse Act of 1988, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching money. If the Executive director determines that the unit of local government or State Agency is not so eligible or so qualified, the Executive Director shall notify the unit of local government or State Agency, within 45 days of receipt of the written request, that it will not be recommended for funding and the reasons for such recommendation. The unit of local government or State Agency may submit a written request for reconsideration to the Chairman of the Budget Committee within 28 days from receiving notice from the Executive Director. The written request for reconsideration shall include the reasons for requesting reconsideration by the Budget Committee.
- e) The Budget Committee shall, at a public meeting conducted pursuant to the Open Meetings Act, designate programs or projects, implementing agencies, and

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amounts for funding which address one or more of the program priorities specified by the Authority in subsection (a) above, consistent with the Anti-Drug Abuse Act of 1988. The Budget Committee's decision to designate these programs or services, implementing agencies and fund amounts shall be based upon equal consideration of the following factors:

- 1) the recommendations of the Executive Director made pursuant to subsection (b) above and written requests for reconsideration made pursuant to subsection (d) above;
 - 2) comments from the public and State and local officials;
 - 3) the proven effectiveness of a program, by making a prudent assessment of the problem to be addressed by a proposed program;
 - 4) the likelihood that a program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests, demonstrations or similar programs;
 - 5) the availability of funds; and
 - 6) the overall cost of the program or services.
- f) Pursuant to Section 503 of the Anti-Drug Abuse Act of 1988, the Application to the Bureau of Justice Assistance shall include a statewide strategy for drug and violent crime control programs which improve the functioning of the criminal justice system, with an emphasis on drug trafficking, violent crime and serious offenders, and those certifications and assurances listed in Section 503 of the Anti-Drug Abuse Act of 1988.
- g) Upon notification by the Bureau of Justice Assistance that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (e) above, specifying the terms and conditions under which the programs or projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or

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assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Added at 13 Ill. Reg. 5926, effective April 17, 1989)

Section 1520.47 Application and Receipt of Violence Against Women Act of 1994 Funds

- a) The Authority will annually review Section 2001 of the Violence Against Women Act of 1994 (P.L. 103-322, effective September 13, 1994) and based on the need to strengthen law enforcement, prosecution and victim services in cases involving violent crimes against women, particularly crimes of sexual assault and domestic violence, the services available to address that need, consultation with nonprofit, nongovernmental victim service programs, and oral and written comment and testimony received at public meetings conducted pursuant to the Open Meetings Act [5 ILCS 120], will select program funding priorities for each federal fiscal year. Such funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act and the Authority's rules (2 Ill. Adm. Code 1750.330).
- b) Federal funds made available to the State of Illinois through the Violence Against Women Act of 1994 may be distributed to State agencies, units of local government, and nonprofit, nongovernmental victim services programs. In distributing funds, the Authority will give priority to areas of varying geographic size with the greatest needs, consider the population to be served within a geographic area, assure that the needs of previously underserved populations are identified and addressed, and equitably distribute monies on a geographic basis, including non-urban and rural areas of various geographic sizes. Based on the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those State agencies, units of local government, and nonprofit, nongovernmental victim services programs eligible for the receipt of federal funds:
 - 1) analysis of need as evidenced by public health data, data regarding orders of protection, and demographic and criminal justice data;
 - 2) comments from the public, service providers, and State and local officials;
 - 3) information (including but not limited to prior experience with grants and current efforts regarding cases involving violent crimes against women) indicating the likelihood that a State agency, unit of local government, or

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nonprofit, nongovernmental victim services program will achieve the desired objectives of the Violence Against Women Act of 1994;

- 4) criminal justice and victim service agency surveys, which include information regarding service availability and the numbers of victims actually served, and the incidence of violent crimes against women (percentages as well as gross numbers);
 - 5) current research findings; and
 - 6) consultation with nonprofit, nongovernmental victim service programs.
- c) A State agency, unit of local government, or nonprofit, nongovernmental victim service program, so identified pursuant to subsection (b) above, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the receipt of federal funds pursuant to the requirements of the Violence Against Women Act of 1994 and, if so interested and so qualified, to prepare a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the State agency, unit of local government, or nonprofit, nongovernmental victim service program proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of the above-mentioned funds, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching contribution.
- d) A State agency, unit of local government, or nonprofit, nongovernmental victim service program not so contacted by the Executive Director pursuant to subsection (c), shall, however, upon written request to the Executive Director, be included among those State agencies, units of local government, or nonprofit, nongovernmental victim service programs evaluated by the Executive Director pursuant to the criteria established in subsection (b) above. Such written request shall include a description of programs or services that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the State agency, unit of local government, or nonprofit, nongovernmental victim service program proposes to achieve those goals and objectives. In assessing the interest in and ability to qualify for the receipt of federal funds pursuant to the Violence Against Women Act of 1994, the Executive Director shall consider resolutions from county and municipal boards and written assurance from these boards of their ability to obtain the required matching contribution. If the Executive Director determines that the State agency, unit of local government, or nonprofit, nongovernmental victim service program is not so eligible or so qualified, the Executive Director shall notify the State agency, unit of local government, or nonprofit, nongovernmental victim service program, within 45

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days after receipt of the written request, that it will not be recommended for funding and the reasons for such recommendation. The State agency, unit of local government, or nonprofit, nongovernmental victim service program may submit a written request for reconsideration to the Chairman of the Budget Committee within 28 days from receiving notice from the Executive Director. The written request for reconsideration shall include the reasons for requesting reconsideration by the Budget Committee.

- e) The Budget Committee shall, at a public meeting conducted pursuant to the Open Meetings Act, designate programs or projects, implementing agencies, and amounts for funding, which address one or more of the program priorities specified by the Authority in subsection (a) above, consistent with the Violence Against Women Act of 1994. The Budget Committee's decision to designate these programs or services, implementing agencies and fund amounts shall be based upon equal consideration of the following factors:
 - 1) the recommendations of the Executive Director made pursuant to subsection (b) above and written requests for reconsideration made pursuant to subsection (d) above;
 - 2) comments from the public, service providers and State and local officials;
 - 3) the proven effectiveness of a program, by making a prudent assessment of the problem to be addressed by a proposed program;
 - 4) the likelihood that a program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests, demonstrations or similar programs;
 - 5) the availability of funds;
 - 6) the overall cost of the program or services; and
 - 7) the requirement that a minimum of 25% of the funds received be distributed to each of the following: law enforcement, prosecution, and victim services.
- f) Pursuant to Section 2002 of the Violence Against Women Act of 1994, the Application to the Violence Against Women Grants Office shall include a State implementation plan describing identified goals and how funds will be used to achieve those goals, and those certifications and assurances listed in Section 2002 of the Violence Against Women Act of 1994.

- g) Upon notification by the Violence Against Women Grants Office that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (e) above, specifying the terms and conditions under which the programs or projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Amended at 21 Ill. Reg. 8909, effective June 27, 1997)

Section 1520.48 Application and Receipt of other Federal Program Funds

- a) If required by the funding source or if federal program purposes would be furthered by doing so, the Authority shall select funding priorities which shall guide the funding process. Funding priorities may identify the types of eligible implementing agencies, federal program purpose areas, specific project types, or costs that shall be given consideration for funding. Funding priorities shall be selected by the Authority at a public meeting in conformance with the Open Meetings Act [5 ILCS 120] and the Authority's rules (2 Ill. Adm. Code 1750.330), and shall be developed according to the following criteria:
- 1) if required by the funding source or if federal program purposes would be furthered by doing so, oral and written comment and testimony received at public meetings conducted in conformance with the Open Meetings Act;
 - 2) comments from State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes;
 - 3) information, current research findings and surveys that are relevant to federal program purposes; and
 - 4) analysis of the needs of eligible implementing agencies, the need to fund projects that cover federal program purposes and the need for items that

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represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs.

- b) The Authority shall review the purposes of federal program funds, other than those subject to Section 1520.40, 1520.46 or 1520.47, and make a determination, at a public meeting in conformance with the Open Meetings Act, as to whether a needs-based or competitive funding process would best meet the overall goals and objectives of the federal program. To make that determination, the Authority shall consider:
 - 1) the requirements of the funding source, including:
 - A) the number, and types, of federal program purpose areas;
 - B) the number, and types, of implementing agencies eligible for funding;
 - C) the number, and types, of costs to which the funds may be applied; and
 - D) other conditions and restrictions imposed by the funding source, and State and federal law;
 - 2) the immediacy of the need to spend the funds, including whether the funds are to be used to serve immediate and vital needs of persons or communities, and whether the length of time during which the funds must be spent is insufficient to allow for a competitive funding process;
 - 3) the services currently available to meet the needs of the federal program; and
 - 4) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities.
- c) If the Authority chooses to distribute the funds on a competitive basis as provided in subsection (b) above, then the Executive Director of the Authority shall develop a request for proposals (RFP) based on the following criteria:
 - 1) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities;

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- 2) requirements imposed on the Authority and potential recipient implementing agencies by the funding source, and State and federal law;
 - 3) the nature and complexity of federal program purpose areas;
 - 4) the number and types of implementing agencies eligible to receive funds;
 - 5) an analysis of need, as described in subsection (a)(4) above;
 - 6) information, current research findings and surveys that are relevant to federal program purposes; and
 - 7) demographic, medical, social science, criminal justice and statistical data that is relevant to federal program purposes.
- d) RFPs developed pursuant to the criteria described in subsection (c) above shall include:
- 1) the purposes, goals and objectives of the federal program, and the types of projects that will be considered for funding;
 - 2) requirements that implementing agencies receiving funds must meet, and adhere to, such as eligibility, reporting and fiscal requirements;
 - 3) certifications required by the funding source, and State and federal law, including, but not limited to, the State of Illinois Drug-Free Workplace certification, State and federal debarment certifications, and State bribery and bid-rigging certifications;
 - 4) the criteria by which the Budget Committee or, at the Budget Committee's direction, the Executive Director of the Authority will select proposals for funding; such criteria shall be given an associated weight and shall include:
 - A) the adequacy with which the proposed project reflects the purposes, goals and objectives of the federal program;
 - B) whether the proposer is an eligible implementing agency as defined by federal program requirements;
 - C) the technical merit of the project design, as reflected in the proposal received by the Authority;

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- D) the qualifications of key personnel, as reflected in the descriptions or resumes that the proposer submitted to the Authority, if the nature of the projects that will be considered for funding calls for an assessment of such criteria;
 - E) the sufficiency of the proposal's management plan, which includes an assessment of the methods by which the proposer will administer the project, both fiscally and programmatically, to achieve the goals and objectives of the project;
 - F) the proposer's capability to carry out the goals and objectives of the project in the manner reflected by the proposal received by the Authority;
 - G) the adequacy of the proposed project budget, which includes an assessment of the reasonableness and allowability of the costs that were estimated and included in the budget;
 - H) the proposer's history of administering projects similar to the one proposed and of receiving and managing federal program funds, if applicable; and
 - I) any additional criteria required by the funding source or that would further federal program purposes;
- 5) the deadline by which, and location where, proposals must be received by the Authority;
 - 6) the total amount, and sources, of federal funding available for distribution through the RFP process, and the maximum amount of federal funding that eligible implementing agencies may apply for through the submission of an RFP;
 - 7) any matching contribution requirements that shall be imposed upon implementing agencies that receive federal funds;
 - 8) the anticipated time period of the projects which may be funded;
 - 9) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities; and
 - 10) any other information required by the funding source or that would further federal program purposes.

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- e) The Budget Committee, or, at the Budget Committee's direction, the Executive Director of the Authority, shall make designations as to specific projects, specific implementing agencies and funding amounts, based on the criteria set forth in the RFP, as described in subsection (d) above; Budget Committee designations shall be made, and Executive Director designations shall be reported, at public meetings conducted in conformance with the Open Meetings Act.
- f) If the Authority chooses to distribute the funds using a needs based process, based on the criteria in subsection (b) above, then the Executive Director of the Authority shall make funding recommendations to the Budget Committee, which may include recommendations as to implementing agencies, projects, and costs that should be covered by federal program funds; the Executive Director's recommendations to the Budget Committee shall be based upon:
 - 1) funding priorities as described in subsection (a) above, if it was necessary for the Authority to select such priorities;
 - 2) analysis of the needs of types of eligible implementing agencies, the need to fund projects that will cover federal program purposes, and the need for items, such as equipment or services, that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs;
 - 3) requirements imposed by the funding source, and State and federal law, on the Authority and potential recipient implementing agencies;
 - 4) the nature and complexity of federal program purpose areas;
 - 5) the number and types of implementing agencies eligible to receive funds;
 - 6) comments from the public, State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes; and
 - 7) information, current research findings and surveys that are relevant to federal program purposes.
- g) The Budget Committee shall make designations as to specific projects, specific implementing agencies and funding amounts; Budget Committee designations shall be made at public meetings in conformance with the Open Meetings Act and shall be based upon:

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- 1) funding recommendations made by the Executive Director of the Authority according to subsection (f) above;
 - 2) analysis of the needs of eligible implementing agencies, the need to fund projects that will cover federal program purposes, and the need for items, such as equipment or services, that represent allowable costs, as evidenced by relevant demographic, medical, social science, criminal justice and statistical data, and available resources that already address such needs;
 - 3) comments from the public, State and local officials, not for profit organizations, or other organizations, entities or persons that have experience and expertise in areas that are relevant to federal program purposes;
 - 4) the period of availability of the federal program funds and the immediacy of the need to spend the funds, including whether federal program funds are to be used to serve immediate and vital needs of persons or communities that specific implementing agencies and specific projects could readily address;
 - 5) the likelihood that a specific project type will achieve the overall goals and objectives of the federal program by: making an assessment of the adequacy with which a specific project type will meet the purposes, goals and objectives of the federal program; examination of the results of evaluations of existing similar projects; and analysis of results of tests or demonstrations that are relevant to the federal program's purposes, goals and objectives;
 - 6) the effectiveness of a specific project type, by making an assessment of the manner in which a particular problem will be addressed by the project type;
 - 7) the efficiency with which a specific implementing agency could administer a project and the overall costs of specific project types; and
 - 8) the ability of a specific entity to secure alternate funding sources for the project once federal program funds are no longer available.
- h) Pursuant to applicable federal legislation and guidelines, the Application to the funding source shall include all information, certifications and assurances that are required by the funding source.

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- i) Subsequent to notification by the funding source that an Application has been approved, the Executive Director shall enter into interagency agreements with those implementing agencies designated to receive federal program funds pursuant to subsections (e) and (g) above, specifying the terms and conditions under which the projects are to be conducted and the federal funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions, which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, maintenance of financial and program records beyond the expiration of the agreement, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, audit procedures as described in the federal laws and regulations listed in Section 1520.50(a), and the status of the implementing agency as an independent contractor.

(Source: Added at 21 Ill. Reg. 8909, effective June 27, 1997)

Section 1520.50 Administration of Federal Funds

- a) All implementing agencies shall operate in conformance with the following state and federal laws, rules, regulations and guidelines, when applicable, hereby incorporated by reference: the Victims of Crime Act of 1984; the Anti-Drug Abuse Act of 1988; the Violence Against Women Act of 1994; the Office of Justice Programs' Financial Guide; the Office of Management and Budget Circular A-128 (50 FR 19114, effective April 12, 1985); the Office of Management and Budget Circular A-133 (61 FR 19133, effective April 30, 1996); the Illinois Grant Funds Recovery Act [30 ILCS 705]; the Illinois Purchasing Act [30 ILCS 505]; the State Comptroller Act [15 ILCS 405]; the U.S. Department of Justice, Bureau of Justice Assistance, Rules for Criminal Justice Block Grants (28 CFR 33.1 et seq., effective May 30, 1985); the U.S. Department of Justice Regulations Governing Criminal History Record Information Systems (28 CFR 20.1 et seq., effective December 6, 1977); the U.S. Department of Justice Regulations Governing the Confidentiality of Identifiable Research and Statistical Information (28 CFR 22.1 et seq., effective December 15, 1976); the Office of Justice Programs Victim Assistance Grant Program Final Program Guidelines (60 FR 55051 et seq., effective October 27, 1995); the Department of Justice Program Guidelines for the Drug Control and System Improvement Formula Grant Program (53 FR 52244 et seq., effective December 27, 1988); the Department of Justice Program Guidelines for the STOP Violence Against Women Formula and Discretionary Grants Program (Grants to Combat Violent Crimes Against Women) (28 CFR 90 et seq., effective April 18, 1995); and any other federal

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legislation and guidelines that are applicable to federal program funds that the Authority administers. The laws, rules, regulations and guidelines incorporated by reference in this subsection do not include any subsequent amendments or editions. The Authority shall maintain a copy of said incorporated materials and shall make them available for public inspection or copying upon request at no more than cost.

- b) Notwithstanding subsection (c) below, the Executive Director shall suspend performance of any interagency agreement for a period not to exceed 28 days where there has been a determination of nonconformance with any state or federal statute or regulation, such rules, regulations and guidelines specified in subsection (a) above, or the terms or conditions of the agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the nonconformance is corrected within 28 days from the date of suspension. However, notwithstanding subsection (c) below, an interagency agreement, for which performance has been suspended, shall be terminated by the Executive Director if performance of the interagency agreement is not reinstated within 28 days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.
- c) Upon the request of an implementing agency, the Executive Director shall extend the length of time performance of an interagency agreement may be suspended beyond 28 days for an additional period not to exceed 14 days, if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Such an extension shall be granted by the Executive Director only with the consent of the chairman of the Budget Committee or, in the event the chairman of the Budget Committee is unavailable for consultation, the Chairman of the Authority. Such consent shall be granted if the nonconformance for which performance of the agreement was suspended can be corrected within such extension period and such correction would result in fulfillment of the terms of the agreement. Since an extension granted by the Executive Director pursuant to this subsection is initiated by the implementing agency, it shall not be deemed an adverse action under these rules. However, an interagency agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the interagency agreement has not been reinstated by the Executive Director before the extension period has expired. Such termination may then be appealed as provided by Section 1520.60. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

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- d) The Executive Director shall immediately terminate any interagency agreement for any reason of nonconformance specified in subsection (b) above, if performance of the agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the implementing agency in less than 28 days from the date of termination. Written notice of such termination by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.
- e) The Executive Director shall approve any revision to an interagency agreement if such action is necessary to fulfill the terms of the agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of such denial shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within five working days.

(Source: Amended at 21 Ill. Reg. 8909, effective June 27, 1997)

Section 1520.60 Appeals

- a) The appeals procedures of the Authority are subject to the provisions of Article 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1010-5 et seq.).
- b) An implementing agency may appeal any adverse action of the Executive Director by writing to the Budget Committee within fourteen (14) days from the day the notice of adverse action is mailed to the implementing agency. This written appeal shall contain specific reasons stating why the action taken by the Executive Director should be modified and the action requested of the Budget Committee and shall be signed by the implementing agency's authorized official.
- c) If no timely appeal is taken from an adverse action, such action of the Executive Director will be deemed the final action of the Budget Committee, and Authority members shall be notified within five (5) business days or before the next Authority meeting, whichever is sooner – by phone, mail or equivalent – of the action of the Executive Director.
- d) When an appeal is timely filed, the Chairman of the Budget Committee shall arrange for the Committee to hear and decide the appeal within forty-nine (49) days of the receipt of the written appeal. The implementing agency shall have a right to appear before the Committee and to be represented at the hearing by

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counsel and shall be notified of the hearing date at least seven (7) days prior to the hearing.

- e) At the hearing, the Budget Committee shall consider the written appeal to the adverse action submitted pursuant to subsection (b), any written response to that appeal by Authority staff, and any testimony given by the implementing agency or Authority staff to questions posed by Committee members.
- f) The Budget Committee shall render a decision on the appeal before adjourning the hearing.
- g) In accordance with the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340), Authority members shall be notified within five (5) business days or before the next Authority meeting whichever is sooner – by phone, mail or written equivalent – of all appeal decisions made by the Budget Committee. Within ten (10) business days of receipt of such information, a special meeting of the Authority shall be convened upon the request of five (5) Authority members, for the purpose of fully discussing such action taken by the Budget Committee and to supersede the authorization granted to that Committee to act upon the Authority's behalf in any particular appeal. If no such action is taken by the Authority, the decision of the Budget Committee shall be deemed the final action of the Authority. Such meetings shall be conducted in conformance with the Open Meetings Act (Ill. Rev. Stat. 1983, ch. 102, par. 41, et seq.) and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).

NON-FEDERAL GRANT RULES

TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY PART 1560 OPERATING PROCEDURES FOR THE ADMINISTRATION OF NON-FEDERAL GRANT FUNDS

SUBPART B: OPERATING PROCEDURES FOR THE ADMINISTRATION OF NON-FEDERAL GRANT FUNDS

Section

1560.10 Purpose and Authorization

1560.20 Definitions

1560.31 Application and Receipt of Non-Federal Grant Funds

1560.31 Application and Receipt of Sexual Assault Nurse Examiner (SANE) General Revenue Funds

1560.40 Administration of Non-Federal Grant Funds

1560.50 Appeals

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Adopted at 15 Ill. Reg. 7034, effective April 25, 1991; emergency amendment at 24 Ill. Reg. 1282, effective January 7, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 8243, effective May 30, 2000.

Section 1560.10 Purpose and Authorization

The Illinois Criminal Justice Information Authority (Authority) establishes this Part to exercise its responsibility *to apply for, receive, establish priorities for, allocate, disburse and spend grant funds that are made available by private sources* [20 ILCS 3930/7(k)], *to receive, expend and account for such funds of the State of Illinois as may be made available to further the purposes of the Act*[20 ILCS 3930/7(1)], *to enter into contracts and to cooperate with units of general local government or combinations of such units, State agencies, and criminal justice system agencies of other states for the purpose of carrying out the duties of the Authority imposed by the Act* [20 ILCS 3930/7(m)], *to enter into contracts and cooperate with units or general local government outside of Illinois, other states' agencies, and private organizations outside of Illinois to provide computer software or design that has been developed for the Illinois Criminal Justice System, or to participate in the cooperative development or design of new software or systems to be used by the Illinois Criminal Justice System* [20 ILCS 3930/7(n)], *to establish general policies concerning criminal justice information systems and to promulgate such rules, regulations and procedures as are necessary to the operation of the Authority* [20 ILCS

3930/7(o)] *and shall, subject to appropriation, establish a sexual assault nurse examiner (SANE) pilot program* [20 ILCS 3930/7.1(c)].

(Source: Amended at 24 Ill. Reg. 8243, effective May 30, 2000)

Section 1560.20 Definitions

"Adverse Action" – The term "adverse action" means any or all of the following with respect to non-federal grant funds administered by the Authority:

The suspension by the Executive Director of the performance of an interagency agreement for more than 28 days aggregated within a twelve month period, exclusive of any period of extension that may be granted under Section 1560.40.

The termination of an interagency agreement by the Executive Director.

The denial by the Executive Director of a request for a material revision to an interagency agreement.

"Budget Committee" – The term "Budget Committee" means the Budget Committee of the Authority as empowered by the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340).

"Executive Director" – The term "Executive Director" means the Executive Director of the Authority (see 20 ILCS 3930/6 and 2 Ill. Adm. Code 1750.350).

"Grantor" – The term "grantor" means any entity that provides the non-federal grant funds to the Authority.

"Interagency Agreement" – The term "interagency agreement" means a contract between the Authority and a State agency, unit of local government, or other public or private organization whereby the Authority provides non-federal grant funds to carry out specified programs, services or activities.

"Implementing Agency" – The term "implementing agency" means any party, including the Authority, designated to receive funds administered by the Authority pursuant to this Part.

(Source: Amended at 24 Ill. Reg. 8243, effective May 30, 2000)

Section 1560.30 Application and Receipt of Non-Federal Grant Funds

- a) The authority shall review the funding purposes set forth by the grantor and invite state agencies, units of local government, and private organizations to submit recommendations for implementing such purposes. Based on the specified purposes of the funds and the needs and recommendations of units of local government and private organizations, the Authority shall select funding priorities at a public meeting in conformance with the Open Meetings Act (Ill. Rev. Stat. 1989, ch. 102, par. 41 et seq.) and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).
- b) Based upon the funding priorities selected by the Authority pursuant to subsection (a) above, the Executive Director shall use the following evaluation criteria to identify those state agencies, units of local government and private organizations eligible for non-federal grant funding:
 - 1) an analysis of need as evidenced by demographic, criminal justice and other data relevant to the purposes set forth by the grantor and resources already available to address that need;
 - 2) comments from the public and state and local officials and private organizations
 - 3) current research findings based on data relating to the purposes set forth by the grantor.

A state agency, unit of local government or a private organization, so identified, shall be contacted by the Executive Director to assess its interest in and ability to qualify for the funds pursuant to the requirements of the grantor and, if so interested and so qualified, to prepare a program description that identifies the problem to be addressed, states goals and objectives, and indicates the means by which the state agency, unit of local government or private organization proposes to achieve those objectives. A state agency, unit of local government or private organization not so identified by the Executive Director shall, upon written request to the Executive Director, be included among those state agencies, units of local government and private organizations evaluated by the Executive Director pursuant to the criteria described herein.

- c) The Budget Committee shall, at a public meeting, designate programs, implementing agencies and amounts for funding which address one or more of the purposes specified by the Authority in subsection (a) above consistent with the conditions of the grant award. The Budget Committee's decision to designate

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these programs, implementing agencies, and fund amounts shall be based upon equal consideration of the following factors:

- 1) the recommendations of the Executive Director made pursuant to subsection (b) above;
 - 2) comments from the public, state and local officials and private organizations;
 - 3) the proven effectiveness of a program, by making a prudent assessment of the problem to be addressed by a proposed program;
 - 4) the likelihood that a program will achieve the desired objectives, by making a prudent assessment of the concepts and implementation plans included in a proposed program and by the results of any evaluations of previous tests or demonstrations;
 - 5) the availability of funds;
 - 6) the overall cost of the program; and
 - 7) the ability to continue with the program once grant funds are no longer available.
- d) The Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee pursuant to subsection (c) above, specifying the terms and conditions under which the programs, services, or activities are to be conducted and the non-federal grant funds are to be received. If the Authority is the designated implementing agency, then the Executive Director shall document such terms and conditions which, to become effective, must be accepted in writing by the Chairman of the Authority. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress toward program objectives, compliance with applicable laws and regulations, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, and the status of the implementing Agency as an independent contractor.

**Section 1560.31 Application and Receipt of Sexual Assault Nurse Examiner (SANE)
General Revenue Funds**

- a) The Illinois General Assembly intends to create a sexual assault nurse examiner (SANE) pilot program to establish SANE projects geographically distributed throughout Illinois. Subject to an appropriation of general revenue funds ("SANE funds") from the Illinois General Assembly, the Illinois Criminal Justice Information Authority ("Authority") will implement the SANE pilot program, including SANE pilot projects in hospital emergency rooms geographically distributed throughout Illinois. For each SANE pilot project, specially trained sexual assault nurse examiners or specially trained sexual assault physician examiners will provide health assessments, collect forensic evidence from sexual assault victims in the emergency room, and testify to victims' injuries during criminal prosecutions of sex offenses.
- b) The Authority shall review the funding purposes of the SANE pilot program set forth by authorizing legislation [20 ILCS 3930/7.1] and invite eligible hospitals to submit proposals to implement the SANE pilot program through a request for proposal (RFP) process. Based on the authorizing legislation and the proposals received in response to the Authority's RFP, the Authority shall select proposals for SANE funding at a public meeting in conformance with the Open Meetings Act [5 ILCS 120] and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).
- c) The Executive Director of the Authority shall develop an RFP based on the following criteria:
 - 1) the SANE pilot program authorizing legislation [20 ILCS 3930/7.1];
 - 2) requirements imposed on the Authority and potential recipient implementing agencies by applicable law, regulations and guidelines;
 - 3) the nature and complexity of the SANE pilot program;
 - 4) the types of hospitals eligible to receive SANE funds; and
 - 5) current research findings, and demographic, medical, social science, criminal justice and statistical data that is relevant to SANE program purposes.
- d) RFPs developed pursuant to the criteria described in subsection (c) above shall include:

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- 1) the purposes, goals and objectives of the SANE pilot program, and the types of SANE pilot projects and costs that will be considered for funding;
- 2) requirements that implementing agencies receiving SANE funds must meet, and adhere to, such as hospital eligibility requirements and fiscal, progress and closeout reporting requirements;
- 3) certifications required by law, including, but not limited to, the State of Illinois Drug-Free Workplace certification and State bribery and bid-rigging certifications;
- 4) descriptive information that applicants will be required to provide regarding the proposed SANE pilot project, including a description of the applicant hospital and the programs and services it currently provides to victims of sexual assault; a summary of the proposed project; a statement of the need for, and the goals and objectives of, the project; the strategy the applicant will undertake to meet the goals and objectives of the project, which should include the training of project staff through an approved SANE training program; an implementation schedule for the project that includes activities to be undertaken to accomplish each objective, the person responsible for each activity and the expected completion date for each activity; and a project budget that explains how budgeted items are related and necessary to the project and how costs were calculated;
- 5) the criteria by which the Executive Director of the Authority will review and recommend proposals for funding; such criteria shall be given an associated weight and shall include:
 - A) the adequacy with which the proposed SANE pilot project reflects the purposes, goals and objectives of the SANE pilot program;
 - B) whether the applicant is an eligible hospital as defined by SANE pilot program requirements;
 - C) the adequacy with which the applicant describes and supports the need for the SANE pilot project within the applicant's hospital emergency room;
 - D) the qualifications of key personnel that will perform SANE pilot project activities;

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- E) the technical merit of the proposed SANE pilot project design, as reflected in the proposal received by the Authority; this criteria includes an assessment of the sufficiency of the proposed project in addressing the purposes, goals and objectives of the SANE pilot program; an assessment of the methods by which the proposed project will implement and adhere to SANE programmatic and training requirements and standards; and an assessment of how the applicant will administer the project, both fiscally and programmatically, to achieve the purposes, goals, objectives, and project duration requirements of the SANE pilot program;
 - F) the applicant's capability to carry out the goals and objectives of the SANE pilot program in the manner reflected in the proposal received by the Authority;
 - G) the adequacy of the proposed project budget, which includes an assessment of the reasonableness and allowability of the costs that were estimated and included in the budget;
 - H) the applicant's ability and commitment to providing victim centered services to victims of sexual assault and collaboration with other organizations and agencies to improve the response to sexual assault victims;
 - I) the ability of the applicant to sustain the SANE pilot project if State or federal funding is not available; and
 - J) any additional criteria that would further SANE program purposes;
- 6) the method and deadline by which, and location where, proposals must be received by the Authority;
 - 7) the total amount of SANE funding available for distribution through the RFP process, and the maximum amount of SANE funding that eligible implementing agencies may apply for through the submission of an RFP;
 - 8) the required project duration requirements of the SANE pilot program in accordance with the program authorizing legislation [20 ILCS 3930/7.1]; and
 - 9) any other information that would further SANE program purposes.

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- e) Based upon SANE pilot program authorizing legislation and the above proposal review criteria, the Executive Director shall identify those applicants with the best proposals that are geographically distributed throughout the State, and recommend those applicants for SANE funding approved by the Budget Committee.
- f) The Budget Committee shall, at a public meeting, designate implementing agencies and amounts for SANE pilot projects that are geographically distributed throughout the State. The Budget Committee's decision to designate SANE pilot projects, implementing agencies, and fund amounts shall be based upon the recommendations of the Executive Director and the criteria set forth in the RFP, as described in subsection (d) above; Budget Committee designations shall be made at a public meeting conducted in conformance with the Open Meetings Act.
- g) The Executive Director shall enter into interagency agreements with those implementing agencies designated by the Budget Committee, specifying the terms and conditions under which the SANE pilot projects are to be conducted and SANE funds are to be received. The terms and conditions shall include but not be limited to reporting requirements that reflect fiscal expenditures and progress in meeting SANE pilot program objectives, compliance with applicable laws and regulations, the prohibition of subcontracting or assignment of agreements without prior written approval of the Authority, and the status of the implementing agency as an independent contractor.
- h) No later than two years after the SANE pilot projects are established, the Authority shall report to the Illinois General Assembly on the efficacy of the SANE pilot program.

(Source: Added at 24 Ill. Reg. 8243, effective May 30, 2000)

Section 1560.40 Administration of Non-Federal Grant Funds

- a) All implementing agencies shall operate in conformance with the following State laws, when applicable, hereby incorporated by reference: the Illinois Grant Funds Recovery Act [30 ILCS 705]; the Illinois Procurement Code [30 ILCS 500]; and the State Comptroller Act [15 ILCS 405]. The laws and rules incorporated by reference in this subsection do not include any subsequent amendments or editions. The Authority shall maintain a copy of said incorporated materials and

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shall make them available for public inspection or copying upon request at no more than cost.

- b) Notwithstanding subsection (c) below, the Executive Director shall suspend performance of any interagency agreement for a period not to exceed 28 days where there has been a determination of nonconformance with any federal or State law or rule, such laws specified in subsection (a) above, or the terms or conditions of the agreement. The Executive Director shall reinstate performance of an agreement that has been so suspended if the nonconformance is corrected within 28 days from the date of suspension. However, notwithstanding subsection (c) below, an interagency agreement, for which performance has been suspended, shall be terminated by the Executive Director if performance of the interagency agreement is not reinstated within 28 days from its suspension. Written notice of all such actions by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within 5 working days.
- c) Upon the request of an implementing agency, the Executive Director shall extend the length of time performance of an interagency agreement may be suspended beyond 28 days for an additional period not to exceed 14 days, if the nonconformance for which the performance of the agreement was suspended can be corrected within the extension period and the correction would result in fulfillment of the terms of the agreement. An extension shall be granted by the Executive Director only with the consent of the Chairman of the Budget Committee or in the event the Chairman of the Budget Committee is unavailable for consultation, the Chairman of the Authority. Since an extension granted by the Executive Director pursuant to this subsection is initiated by the implementing agency, it shall not be deemed an adverse action under this Part. However, an interagency agreement, for which the period of suspended performance has been extended pursuant to this subsection, shall be terminated by the Executive Director if performance of the interagency agreement has not been reinstated by the Executive Director before the extension period has expired. Termination may then be appealed as provided by Section 1560.60. Written notice of all such action by the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within 5 working days.
- d) The Executive Director shall immediately terminate any interagency agreement for any reason of nonconformance specified in subsection (b) above, if performance of the agreement has been suspended on at least one prior occasion or if such nonconformance cannot be corrected by the implementing agency in less than 28 days from the date of termination. Written notice of termination by

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the Executive Director shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within 5 working days.

- e) The Executive Director shall approve any revision to an interagency agreement if action is necessary to fulfill the terms of the agreement. Material revisions shall be reported to the Budget Committee members at or before the next Budget Committee meeting. However, if a request by an implementing agency for a material revision to an interagency agreement is denied by the Executive Director, written notice of denial shall be submitted to the implementing agency and members of the Budget Committee as soon as possible, but within 5 working days.

(Source: Amended at 24 Ill. Reg. 8243, effective May 30, 2000)

Section 1560.50 Appeals

- a) The appeals procedures for this Part are subject to provisions of Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art.10].
- b) An implementing agency may appeal any adverse action of the Executive Director by writing to the Budget Committee within 14 days from the day the notice of adverse action is mailed to the implementing agency. This written appeal shall contain specific reasons stating why the adverse action taken by the Executive Director should be modified and the action requested of the Budget Committee and shall be signed by the implementing agency's authorized official.
- c) If no timely appeal is taken from an adverse action, such action of the Executive Director will be deemed the final action of the Budget Committee, and Authority members shall be notified within 5 business days or before the next Authority meeting, whichever is sooner – by phone, mail or written equivalent – of the action of the Executive Director.
- d) When an appeal is timely filed, the Chairman of the Budget Committee shall arrange for the Committee to hear and decide the appeal within 49 days of the receipt of the written appeal. The implementing agency shall have the right to appear before the Committee and to be represented at the hearing by counsel and shall be notified of the hearing date at least 7 days prior to the hearing.
- e) At the hearing, the Budget Committee shall consider the written appeal to the adverse action submitted pursuant to subsection (b), any written response to that

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appeal by Authority staff, and any testimony given by the implementing agency or Authority staff to questions posed by Committee members.

- f) The Budget Committee shall render a decision on the appeal before adjourning the hearing.
- g) In accordance with the Organizational Rules of the Illinois Criminal Justice Information Authority (2 Ill. Adm. Code 1750.340), Authority members shall be notified within 5 business days or before the next Authority meeting whichever is sooner – by phone, mail or written equivalent – of all appeal decisions made by the Budget Committee. Within 10 business days after receipt of such information, a special meeting of the Authority shall be convened upon signed request of 5 Authority members, for the purpose of fully discussing such action taken by the Budget Committee and to supersede the authorization granted to that Committee to act upon the Authority's behalf in any particular appeal. If no action is taken by the Authority, the decision of the Budget Committee shall be deemed the final action of the Authority. Meetings shall be conducted in conformance with the Open Meetings Act [5 ILCS 120] and the Authority's rules (2 Ill. Adm. Code 1750.310 et seq.).

(Source: Amended at 24 Ill. Reg. 8243, effective May 30, 2000)

**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY
PART 1570 FEES FOR PROCESSING REQUESTS FOR CONVICTION
INFORMATION**

**SUBPART C: FEES FOR PROCESSING REQUESTS FOR CONVICTION
INFORMATION**

Section

1570.10 Purpose and Authorization

1570.20 Definitions

1570.30 Form and Manner for Assisting in the Processing of Conviction Information

1570.40 Cost Criteria for the Fee to be Charged

1570.50 Fee Determination

1570.60 Notification of Fee Amount

AUTHORITY: Implementing and authorized by the Illinois Uniform Conviction Information Act [20 ILCS 2635].

SOURCE: Adopted at 18 Ill. Reg. 4679, effective March 14, 1994; emergency amendment at 22 Ill. Reg. 975, effective December 17, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 9557, effective May 26, 1998; amended at 29 Ill. Reg. 6907, effective May 1, 2005.

Section 1570.10 Purpose and Authorization

Pursuant to the Illinois Uniform Conviction Information Act (20 ILCS 2635] ("the Act), the Illinois Criminal Justice Information Authority is charged with the responsibility of establishing the form, manner and maximum fee that criminal justice agencies other than the Department of State Police may charge for assisting in the processing of requests for conviction information under the Act. These rules describe the procedure to be followed by a criminal justice agency in processing a request for conviction information under the Act and the method for establishing the fee to be charged for providing such assistance.

Section 1570.20 Definitions

Terms used in this Part have the meaning ascribed to them in the Act. In addition, unless the context otherwise requires, the following terms have the meaning ascribed to them herein:

"Authority" means the Illinois Criminal Justice Information Authority.

"CIR Form" means the Conviction Information Request Form adopted by the Department of State Police (20 Ill. Adm. Code 1215) for requesting information under the Act.

"Individual record subject" means the person whose fingerprints are being taken pursuant to a request to obtain conviction information under the Act.

Section 1570.30 Form and Manner for Assisting in the Processing of Conviction Information

- a) A criminal justice agency that assists in the processing of criminal conviction information requests pursuant to the Act shall do so as follows:
 - 1) Provide such assistance, at a minimum, during its regular business hours, Monday through Friday, excluding holidays.
 - 2) Verify the identity of the individual record subject. In making this verification, the agency shall require at least two forms of identification, one of which shall be a photographic identification. Acceptable photographic identification shall be of a nature that cannot easily be forged, such as valid passports or driver's licenses, identification cards issued by the Secretary of State, or military or other photographic identification of a similar reliability.
 - 3) After verification of the identity of the individual record subject, the personnel of the criminal justice agency shall fingerprint the record subject on a CIR Form. It shall be the responsibility of the requester to obtain such form from the Department of State Police.
 - 4) The criminal justice agency shall review the CIR Form to verify that it is accurately completed, as appropriate, by the requester, in conformance with the requirements of the Department of State Police.
 - 5) The criminal justice agency may charge the requester a fee pursuant to Section 1570.40.
 - 6) The criminal justice agency shall return the CIR Form to the requester, who shall be responsible for mailing it to the Department of State Police.
- b) A local criminal justice agency that does not assist in processing a request for conviction information pursuant to the Act shall inform the requester that the conviction information sought can be obtained directly from the Department of State Police at the following address or phone number:

Illinois State Police
Bureau of Identification
260 North Chicago St.
Joliet, Illinois 60431
Telephone number: (815) 740-5160

Section 1570.40 Cost Criteria for the Fee to be Charged

- a) The Authority shall establish the maximum fee that may be charged by criminal justice agencies other than the Department of State Police for assisting in the processing of requests for conviction information made pursuant to the Act. This fee shall be based on a reasonable estimate of the actual costs to participating criminal justice agencies throughout the State to comply with these rules.
- b) In establishing the maximum fee that a criminal justice agency other than the Department of State Police may charge, the Authority shall consider the following criteria:
 - 1) Personnel Costs. The fee charged shall include all personnel costs necessary to assist in the processing of the request forms. Such costs shall include time allocated for:
 - A) Giving instructions to the requester,
 - B) Fingerprinting the individual record subject,
 - C) Reviewing the CIR Form,
 - D) Processing the fee, and
 - E) Supervising and training personnel to comply with these rules.
 - 2) Tangible Costs. The fee charged shall include all expenses incurred by a criminal justice agency other than the Department of State Police which are directly attributable to assisting in the processing of requests for conviction information. Such costs shall include, as may be appropriate, the cost for:
 - A) Fingerprinting materials and supplies such as ink, rollers, cleaning fluids, and towels, and

- B) Telecommunications services.

Section 1570.50 Fee Determination

- a) Pursuant to Section 1570.40, the Authority shall establish the maximum fee for each calendar year by September 30 of the preceding year. In establishing this fee amount, the Authority shall consult with representatives of criminal justice agencies, and representatives of municipal, civic, and business groups to:
 - 1) establish a reasonable estimate of the actual costs to participating criminal justice agencies throughout the State to comply with this Part, and
 - 2) determine if there would be an unreasonable negative impact or undue burden placed on requesters of conviction information.
- b) Pursuant to the Act, nothing herein shall be deemed to prevent a criminal justice agency from waiving or reducing the fee established pursuant to Section 1570.40.
- c) For the calendar year 2005 and each year thereafter, the maximum fee established by the Authority that a criminal justice agency other than the Department of State Police may charge and assess under this Part shall be \$24.

(Source: Amended at 29 Ill. Reg. 6907, effective May 1, 2005)

Section 1570.60 Notification of Fee Amount

- a) Within seven working days after the fee has been established for a calendar year, the Authority shall inform the chief executive officer of each criminal justice agency in Illinois of the amount of the fee. However, notice of the fee for a calendar year shall be given no later than December 15th of the preceding calendar year.
- b) Other interested agencies, organizations, and the public shall, upon request, also be entitled to be informed of the amount of the fee set by the Authority. Within 7 working days after receipt of such a request, the Executive Director of the Authority shall inform the requester of the fee approved by the Authority.

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Requests for notification of the fee amount may be made by calling the Authority at (312)793-8550 or TDD (312)793-4170 between 8:30 a.m. and 5:00 p.m. on working days or by writing to:

Executive Director
Illinois Criminal Justice Information Authority
120 South Riverside Plaza
Chicago, Illinois 60606

**TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER III: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY
PART 1580 PROTECTION OF HUMAN SUBJECTS IN RESEARCH CONDUCTED BY
THE AUTHORITY**

**SUBPART D: PROTECTION OF HUMAN SUBJECTS IN RESEARCH CONDUCTED
BY THE AUTHORITY**

Section

1580.10 Purpose and Applicability

1580.20 Definitions

1580.30 Institutional Review Board Composition

1580.50 Expedited Review

1580.40 Institutional Review Board Procedures

1580.60 Additional Review Requirements

1580.70 Reporting Requirements

1580.80 Requirements for Submitting Research Proposals

AUTHORITY: Implementing and authorized by the Illinois Criminal Justice Information Act [20 ILCS 3930].

SOURCE: Adopted at 25 Ill. Reg. 12420, effective September 17, 2001.

Section 1580.10 Purpose and Applicability

- a) The Illinois Criminal Justice Information Authority (Authority) establishes this Part to institute procedures applicable to the creation and operation of an Institutional Review Board (IRB). The IRB shall review research involving human subjects that is conducted, sponsored, or supported by the Authority, to ensure the protection of human subjects. All research subject to this Part must have IRB review and approval before data collection for the research begins.
- b) This Part was derived from and corresponds to 28 CFR 46, which requires institutions that receive federal funding for purposes of research involving human subjects to adhere to, and to establish and operate an IRB in accordance with, federal regulations. This Part is applicable to all research that is conducted, sponsored, or supported by the Authority that involves human subjects, whether or not it is federally funded.
- c) Research involving human subjects that is conducted, sponsored, or supported by the Authority, for purposes of this Part, includes the following:

- 1) Research involving human subjects that is conducted by an Authority employee, within the scope of the employee's employment, that has not otherwise been reviewed and approved by an IRB that adheres to all applicable laws and regulations. The executive director of the Authority reserves the right to require research conducted by an Authority employee, within the scope of the employee's employment, that has been reviewed and approved by an IRB that adheres to all applicable laws and regulations to be subject to additional IRB review and approval, in accordance with this Part.
- 2) Research involving human subjects that is funded by the Authority, but conducted by an independent contractor, that has not otherwise been reviewed and approved by an IRB that adheres to all applicable laws and regulations. The executive director of the Authority reserves the right to require research involving human subjects that is funded by the Authority, but conducted by an independent contractor, that has been reviewed and approved by an IRB that adheres to all applicable laws and regulations, to be subject to additional IRB review and approval, in accordance with this Part.

Section 1580.20 Definitions

"Certifications" means the official notification by the Authority to the appropriate funding agency that a research project or activity involving human subjects has been reviewed and approved by an IRB; and the official notification by the Authority to the funding agency that applicable laws and regulations regarding confidentiality and privacy of identifiable research information have been adhered to.

"Exempt research" means research that involves human subjects, but according to applicable laws and regulations, including but not limited to 28 CFR 46.101(b), does not require IRB review and approval.

"Human subject" means a living individual about whom a researcher obtains data through intervention or interaction with the individual or identifiable private information.

"IRB" means an institutional review board established in accordance with and for the purposes expressed in this Part.

"IRB approval" means the determination of the IRB that the research has been reviewed and may be conducted within the constraints set forth by the IRB and by other applicable laws and regulations.

"Research" means a systematic investigation designed to develop or contribute to generalizable knowledge.

Section 1580.30 Institutional Review Board Composition

- a) An IRB shall be qualified through the experience, expertise, and diversity of its members, considering race, gender, cultural backgrounds and sensitivity to issues such as community attitudes. The IRB shall review proposed research in light of existing Authority commitments; applicable laws, regulations and guidelines; and standards of professional conduct and practice. The IRB shall include persons with expertise in these areas.
- b) IRB members shall be appointed by the executive director of the Authority. An IRB must consist of at least five members with varying backgrounds. The Authority must adhere to the following IRB membership rules:
 - 1) Every nondiscriminatory effort must be made to ensure that an IRB does not consist entirely of men or entirely of women.
 - 2) An IRB must not consist entirely of members of one profession.
 - 3) An IRB must include at least one member whose primary concerns are in scientific areas.
 - 4) An IRB must include at least one member whose primary concerns are in nonscientific areas.
 - 5) An IRB must include at least one member who is not otherwise affiliated with, or part of the immediate family of a person who is affiliated with, the Authority.
 - 6) An IRB member must not participate in the initial or continuing review of any project in which the member has a conflict of interest, except to provide information requested by the IRB.

- 7) An IRB may, in its discretion, invite individuals with special expertise to assist in the review of issues requiring that expertise. These individuals may not vote with the IRB.
- 8) An IRB must reflect all applicable laws and regulations regarding IRB membership.

Section 1580.40 Institutional Review Board Procedures

- a) The general counsel of the Authority shall review all research applications involving human subjects to determine whether the application involves exempt research. If the general counsel determines that the research is exempt, the general counsel shall provide notice of, and justification for, this determination to the IRB members and the executive director of the Authority. If the general counsel does not receive any notice of disagreement with a determination of exempt status from IRB members within 10 working days after the mailing date of the notice, then the determination that the research is exempt will be considered approved by the IRB. If the general counsel receives notice of disagreement with a determination of exempt status from any IRB member, the research will be considered non-exempt and subject to IRB review and approval under this Part. Research projects determined to be exempt are not subject to further IRB review and approval. A determination by the IRB that a research project is exempt is subject to override by the executive director of the Authority.
- b) All research applications involving human subjects that do not involve exempt research shall be reviewed by the IRB, in accordance with this Part. The IRB review of research applications must occur at meetings subject to the Open Meetings Act [5 ILCS 120]. IRB meetings must include a majority of IRB members who are present at the meeting in person or by electronic means, including at least one member whose expertise is in nonscientific areas. Minutes covering all activities will be taken and made available to the Authority.
- c) The IRB shall operate in accordance with all applicable laws and regulations. The IRB has the authority to approve or disapprove, require modification to, or observe research. The IRB must provide written notification to the executive director of the Authority and researchers of approval or disapproval of, or required modifications to, proposed research.
- d) The IRB may approve research applications involving human subjects if the IRB has determined that all of the following requirements are satisfied:

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- 1) Risks to subjects must be minimized; researchers must use procedures that are consistent with sound research design and do not unnecessarily expose subjects to risk;
- 2) Risks to subjects must be reasonable in relation to the expected benefits to subjects and the knowledge that may reasonably be expected to result from the research;
- 3) The selection of subjects must be equitable;
- 4) Unless otherwise authorized by law or regulation, informed consent must be obtained and appropriately documented for each participating subject or the subject's legally authorized representative. When the IRB determines that the research project must include procedures for obtaining informed consent, the IRB shall ensure that informed consent is obtained under circumstances and through procedures that adhere to all applicable laws and regulations, and minimize any coercion or undue influence upon the subject or representative. Unless otherwise authorized by law or regulation, the following elements of informed consent must be provided to each human subject:
 - A) An explanation of the purposes of, and procedures involved in, the research and the expected duration of the subject's participation;
 - B) A description of any reasonably foreseeable risks or discomforts to the subject;
 - C) A description of any benefits to the subject or to others that may reasonably be expected from the research;
 - D) A statement describing how the confidentiality of records identifying the subject will be maintained;
 - E) Information regarding who should be contacted for answers to questions about the research and research subjects' rights and in the event of a research-related injury to the subject;
 - F) A statement that participation is voluntary, refusal to participate will involve no penalty or loss of benefits to which the subject is otherwise entitled, and the subject may discontinue participation at any time without penalty or loss of those benefits; and

- G) Any additional information that the IRB determines would further protect the rights and welfare of the subject;
- 5) The research must make any necessary provisions for data monitoring to ensure the safety of subjects;
- 6) There are adequate provisions for assuring the privacy of subjects and confidentiality of data;
- 7) When the research involves subjects likely to be vulnerable to coercion or undue influence, additional safeguards must be included to protect the rights and welfare of these subjects; and
- 8) The research must comply with applicable laws and regulations.
- e) The IRB may deny requests to conduct the research for reasons including, but not limited to, that the risks posed to human subjects are too great and for noncompliance with applicable laws and regulations. A notice of disapproval must include the reasons for denial in sufficient detail that allows the researcher to respond. The researcher must be given the opportunity to respond to the denial in person or in writing to the IRB.
- f) Research subject to this Part must have the approval of a majority of IRB members present at the meeting before data collection may begin.

Section 1580.50 Expedited Review

- a) Research that involves no more than minimal risk to human subjects and their privacy and confidentiality may be eligible for an expedited review procedure. If so requested by the researcher, the IRB chairperson shall examine the research application and applicable laws and regulations to determine whether the research project involves no more than minimal risk and is eligible for the expedited review procedure. Research projects that are eligible for expedited review include those projects found in the list of research categories published as eligible for expedited review in the Federal Register by the Department of Health and Human Services (see 28 CFR 46.110(a)), and previously approved projects for which minor changes are proposed during the period for which the IRB has already given approval, when those projects or changes involve minimal risk.
- b) If a research project is eligible for an expedited review procedure, the review may be carried out by the IRB chairperson or by one or more experienced reviewers designated by the chairperson from among members of the IRB. Under an

expedited review procedure, the reviewers must consider provisions of Section 1580.40(d) and may approve the research application if those provisions are adhered to.

- c) In reviewing the research application under an expedited review procedure, the reviewers may not disapprove the research application; a research application may be disapproved only after review in accordance with the non-expedited review procedure. Research applications that have been reviewed under, but not approved through, the expedited review procedure shall be subject to further review under the non-expedited review procedure described in Section 1580.40.
- d) The IRB chairperson shall keep all IRB members and the executive director of the Authority informed of research proposals that have been approved under the expedited review procedure.

Section 1580.60 Additional Review Requirements

- a) Research projects are subject to IRB review and approval whenever changes are proposed to the research project. Changes may not be initiated without IRB review and approval except when necessary to eliminate apparent immediate hazards to the subjects.
- b) For research projects that already have IRB approval, the IRB must perform continuing, periodic reviews at intervals commensurate to the degree of risk the research poses, but at least once a year.
- c) Research that is subject to this Part may be subject to further review and approval or disapproval by the executive director of the Authority. Research reviewed by the executive director of the Authority shall be conducted in a manner consistent with the provisions of Section 1580.40. However, the executive director of the Authority may not approve the research if it has not been approved by an IRB.

Section 1580.70 Reporting Requirements

- a) Researchers must report proposed research changes to the IRB and the executive director of the Authority. The executive director of the Authority shall inform the appropriate funding agency.
- b) Any unanticipated problems involving risk or harm to subjects or others, noncompliance with applicable laws or regulations, or IRB requirements or determinations, must be immediately reported by the researcher to the IRB and the executive director of the Authority. The Authority and the IRB shall have the

authorization and duty to suspend or terminate approval of research that is not being conducted in accordance with applicable laws or regulations, or IRB requirements or determinations, or that has been associated with unexpected risks or harm to subjects or others. Any suspension or termination of approval by the Authority or the IRB shall include a statement of the reasons for that action.

- c) The executive director of the Authority shall notify the appropriate funding agency of any unanticipated problems involving risk or harm to subjects or others, any instance of serious or continuing noncompliance with applicable laws or regulations, or IRB requirements or determinations, and all suspensions and terminations of research approval.
- d) The executive director of the Authority will forward all required certifications and documentation regarding the IRB review to the appropriate funding agency.
- e) The researchers may be required to submit progress reports to the IRB, the nature and frequency of which will be specified by the IRB.
- f) The IRB shall submit a report to the Authority's Planning and Research Committee on the actions of the IRB, prior to the committee's regular meetings.

Section 1580.80 Requirements for Submitting Research Proposals

- a) The person or entity requesting the research involving human subjects must submit to the general counsel of the Authority a research application that includes the following written documentation:
 - 1) A formal research proposal including the names and vitae of the researchers; an abstract of the project; a full description of the project purpose, methodology, protocol, and duration; the number of subjects, the amount of time required for each subject, and a detailed description of the interaction with the subjects; the procedures for obtaining informed consent; the testing or measurement instruments; and Authority resources to be utilized;
 - 2) Identification of funding sources for the research proposal;
 - 3) Any certifications and assurances regarding the protection of human research subjects, privacy and confidentiality, that are required by applicable law or regulations; and
 - 4) Any other information necessary to the IRB review procedure.

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- b) The general counsel of the Authority will review the application, in accordance with Section 1580.40(a).

ILLINOIS MOTOR VEHICLE THEFT PREVENTION ACT

20 ILCS 4005

4005/1. Short title

§ 1. This Act shall be known as the Illinois Motor Vehicle Theft Prevention Act.

4005/2. Purpose

§ 2. The purpose of this Act is to prevent, combat and reduce motor vehicle theft in Illinois; to improve and support motor vehicle theft law enforcement, prosecution and administration of motor vehicle theft laws by establishing statewide planning capabilities for and coordination of financial resources.

4005/3. Definitions

§ 3. As used in this Act:

(a) “Authority” means the Illinois Criminal Justice Information Authority.

(b) “Council” means the Illinois Motor Vehicle Theft Prevention Council, established within the Authority by this Act.

(c) “Trust Fund” means the Motor Vehicle Theft Prevention Trust Fund.

4005/4. Motor Vehicle Theft Prevention Council; members; chairman; terms; meetings

§ 4. There is hereby created within the Authority an Illinois Motor Vehicle Theft Prevention Council, which shall exercise its powers, duties and responsibilities independently of the Authority. There shall be 11 members of the Council consisting of the Secretary of State or his designee, the Director of the Department of State Police, the State's Attorney of Cook County, the Superintendent of the Chicago Police Department, and the following 7 additional members, each of whom shall be appointed by the Governor: a state's attorney of a county other than Cook, a chief executive law enforcement official from a jurisdiction other than the City of Chicago, 5 representatives of insurers authorized to write motor vehicle insurance in this State, all of whom shall be domiciled in this State.

The Governor from time to time shall designate the Chairman of the Council from the membership. All members of the Council appointed by the Governor shall serve at the discretion of the Governor for a term not to exceed 4 years. The initial appointed members of the Council shall serve from January 1, 1991 until the third Monday in January, 1995 or until their successors are appointed. The Council shall meet at least quarterly.

4005/5. Compensation of members

§ 5. Members of the Council shall serve without compensation. All members shall be reimbursed for reasonable expenses incurred in connection with their duties.

4005/6. Personnel

§ 6. The Executive Director of the Authority shall employ, in accordance with the provisions of the Illinois Personnel Code, [FN1] such administrative, professional, clerical, and other personnel as may be required and may organize such staff as may be appropriate to effectuate the purposes of this Act.

4005/7. Powers and duties of council

§ 7. The Council shall have the following powers, duties and responsibilities:

- (a) To apply for, solicit, receive, establish priorities for, allocate, disburse, contract for, and spend funds that are made available to the Council from any source to effectuate the purposes of this Act.
- (b) To make grants and to provide financial support for federal and State agencies, units of local government, corporations, and neighborhood, community and business organizations to effectuate the purposes of this Act.
- (c) To assess the scope of the problem of motor vehicle theft, including particular areas of the State where the problem is greatest and to conduct impact analyses of State and local criminal justice policies, programs, plans and methods for combating the problem.
- (d) To develop and sponsor the implementation of statewide plans and strategies to combat motor vehicle theft and to improve the administration of the motor vehicle theft laws and provide an effective forum for identification of critical problems associated with motor vehicle theft.
- (e) To coordinate the development, adoption and implementation of plans and strategies relating to interagency or intergovernmental cooperation with respect to motor vehicle theft law enforcement.
- (f) To promulgate rules or regulations necessary to ensure that appropriate agencies, units of government, private organizations and combinations thereof are included in the development and implementation of strategies or plans adopted pursuant to this Act and to promulgate rules or regulations as may otherwise be necessary to effectuate the purposes of this Act.
- (g) To report annually, on or before April 1, 1992 to the Governor, General Assembly, and, upon request, to members of the general public on the Council's activities in the preceding year.
- (h) To exercise any other powers that are reasonable, necessary or convenient to fulfill its responsibilities, to carry out and to effectuate the objectives and purposes of the Council and the provisions of this Act, and to comply with the requirements of applicable federal or State laws or regulations; provided, however, that such powers shall not include the power to subpoena or arrest.

4005/8. Motor Vehicle Theft Prevention Trust Fund

§ 8. (a) A special fund is created in the State Treasury known as the Motor Vehicle Theft Prevention Trust Fund, which shall be administered by the Executive Director of the Authority at the direction of the Council. All interest earned from the investment or deposit of monies accumulated in the Trust Fund shall, pursuant to Section 4.1 of the State Finance Act, [FN1] be deposited in the Trust Fund.

(b) Money deposited in this Trust Fund shall not be considered general revenue of the State of Illinois.

(c) Money deposited in the Trust Fund shall be used only to enhance efforts to effectuate the purposes of this Act as determined by the Council and shall not be appropriated, loaned or in any manner transferred to the General Revenue Fund of the State of Illinois.

(d) Prior to April 1, 1991, and prior to April 1 of each year thereafter, each insurer engaged in writing private passenger motor vehicle insurance coverages which are included in Class 2 and Class 3 of Section 4 of the Illinois Insurance Code, [FN2] as a condition of its authority to transact business in this State, may collect and shall pay into the Trust Fund an amount equal to \$1.00, or a lesser amount determined by the Council, multiplied by the insurer's total earned car years of private passenger motor vehicle insurance policies providing physical damage insurance coverage written in this State during the preceding calendar year.

(e) Money in the Trust Fund shall be expended as follows:

(1) To pay the Authority's costs to administer the Council and the Trust Fund, but for this purpose in an amount not to exceed ten percent in any one fiscal year of the amount collected pursuant to paragraph (d) of this Section in that same fiscal year.

(2) To achieve the purposes and objectives of this Act, which may include, but not be limited to, the following:

(A) To provide financial support to law enforcement and correctional agencies, prosecutors, and the judiciary for programs designed to reduce motor vehicle theft and to improve the administration of motor vehicle theft laws.

(B) To provide financial support for federal and State agencies, units of local government, corporations and neighborhood, community or business organizations for programs designed to reduce motor vehicle theft and to improve the administration of motor vehicle theft laws.

(C) To provide financial support to conduct programs designed to inform owners of motor vehicles about the financial and social costs of motor vehicle theft and to suggest to those owners methods for preventing motor vehicle theft.

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(D) To provide financial support for plans, programs and projects designed to achieve the purposes of this Act.

(f) Insurers contributing to the Trust Fund shall have a property interest in the unexpended money in the Trust Fund, which property interest shall not be retroactively changed or extinguished by the General Assembly.

(g) In the event the Trust Fund were to be discontinued or the Council were to be dissolved by act of the General Assembly or by operation of law, then, notwithstanding the provisions of Section 5 of the State Finance Act, [FN3] any balance remaining therein shall be returned to the insurers writing private passenger motor vehicle insurance in proportion to their financial contributions to the Trust Fund and any assets of the Council shall be liquidated and returned in the same manner after deduction of administrative costs.

4005/12. Repealer

§ 12. Sections 1 through 9 [FN1] and Section 11 [FN2] are repealed January 1, 2012.

Current through P.A. 96-952 of the 2010 Reg. Sess.

ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL ADMINISTRATIVE CODE

ILLINOIS ADMINISTRATIVE CODE

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE E: MISCELLANEOUS STATE AGENCIES

CHAPTER X: ILLINOIS MOTOR VEHICLE THEFT PREVENTION COUNCIL

PART 1720 PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

AUTHORITY: 20 ILCS 4005/1

SOURCE: Adopted at 16 Ill. Reg. 4503, effective March 10, 1992; amended at 18 Ill. Reg. 13448, effective August 22, 1994; amended at 21 Ill. Reg. 11927, effective August 15, 1997.

Section 1720.100 Applicability

This section applies to any interested persons seeking or submitting information regarding subjects, services, programs and activities of the Illinois Motor Vehicle Theft Prevention Council (hereinafter called "the Council").

Section 1720.110 Public Requests

- a) Any interested person should submit a request for information in writing. The request should include a complete description of the information requested and the reason for the request. Requests should be directed to:

Illinois Motor Vehicle Theft Prevention Council
c/o Executive Director
Illinois Criminal Justice Information Authority
120 South Riverside Plaza
Chicago, Illinois 60606

- b) The Executive Director of the Illinois Criminal Justice Information Authority, on behalf of the Council, shall respond to such requests within (7) working days of receipt, whenever possible.
- c) When the request for information calls for information which is confidential or is limited or prohibited by law, the requester shall be so notified in writing.

Section 1720.120 Public Submissions

Any interested person may submit comments and recommendations regarding subjects, services, programs and activities of the Council in writing to:

Illinois Motor Vehicle Theft Prevention Council
c/o Executive Director
Illinois Criminal Justice Information Authority
120 South Riverside Plaza
Chicago, Illinois 60606

Section 1720.200 Procedure

- a) Rules may be proposed by any member of the Illinois Motor Vehicle Theft Prevention Council (hereinafter called "the Council"), or the Executive Director of the Illinois Criminal Justice Information Authority. However, rules shall be issued only by the Council.
- b) Any interested person may petition the Executive Director of the Illinois Criminal Justice Information Authority to make, amend or repeal a rule. The Executive Director shall refer all petitions, with staff review and recommendations, to the Council which shall decide whether or not to recommend further action.
 - 1) The petition shall be addressed to:

Illinois Motor Vehicle Theft Prevention Council
c/o Executive Director
Illinois Criminal Justice Information Authority
120 S. Riverside Plaza
Chicago, Illinois 60606
 - 2) The petition shall contain a clear statement of reasons for the proposed rule, amendment or repeal and the exact language of the suggested new rule or amendment.
- c) All rules promulgated by the Council shall be in accordance with the procedures for issuing proposed rules and for their ultimate adoption in accordance with the Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1001-1 et seq.). [5 ILCS 100/1-1 et seq.]
- d) Rules adopted by the Council shall be available for public inspection during normal working hours at 120 South Riverside Plaza, Chicago, Illinois.

(Source: Amended at 18 Ill. Reg. 13448, effective August 22, 1994)

Section 1720.210 Public Hearings

- a) The Chairman or a committee chairman may convene public hearings on proposed rulemaking whenever the interest of the State would be best served by such proceedings in order to establish a record of public comment.
- b) Formal notice of a public hearing shall be given upon at least fourteen (14) days notice in accordance with the Illinois Open Meetings Act (Ill. Rev. Stat. 1989, ch. 102, par. 41 et seq.). [5 ILCS 120/1 et seq.] The notice shall include the date, time and place of the proceedings.
- c) Minutes of public hearings shall be recorded and shall be available for public inspection.

(Source: Amended at 18 Ill. Reg. 13448, effective August 22, 1994)

Section 1720.300 Preamble

The Illinois Motor Vehicle Theft Prevention Council (hereinafter called the "Council"), created within the Illinois Criminal Justice Information Authority (hereinafter called the "Authority"), shall have the duties and responsibilities set forth in the Illinois Motor Vehicle Theft Prevention Act (P.A. 86-1408, effective January 1, 1991). The stated purpose of this act "is to prevent, combat and reduce motor vehicle theft in Illinois; to improve and support motor vehicle theft law enforcement, prosecution and administration of motor vehicle theft laws by establishing statewide planning capabilities for and coordination of financial resources."

Section 1720.310 Membership and Officers

- a) Council – The Illinois Motor Vehicle Theft Prevention Council consists of eleven (11) members. The members include the Secretary of State or his designee, the Director of the Department of State Police, the State's Attorney of Cook County, the Superintendent of the Chicago Police Department, and the following seven (7) additional members, each of whom shall be appointed by the Governor: a state's attorney of a county other than Cook, a chief executive law enforcement official from a jurisdiction other than the City of Chicago, and five (5) representatives of insurers authorized to write motor vehicle insurance in this State, all of whom shall be domiciled in this state.
- b) Chairman – The Chairman shall be a Council member designated by and serving at the pleasure of the Governor.
- c) Vice Chairman – The Vice Chairman shall be a Council member designated by and serving at the pleasure of the Chairman. Upon disability or unavailability of the Chairman, the Vice Chairman shall function as the Chairman until the Chairman again becomes able or available or until the Governor appoints a new Chairman.

- d) Secretary – The Secretary shall be appointed by and serve at the pleasure of the Chairman. The Secretary need not be a Council member, but if he or she is not a Council member, he or she may not exercise the powers and functions of Council members. The Secretary shall draft and forward the minutes of each meeting to Council members prior to the next Council meeting, at which time they shall be submitted to the Council for approval. Copies of approved minutes shall be promptly sent to the Governor's office and anyone who requests them. The Secretary shall also provide for the public notice of regular, rescheduled and special Council meetings as required by the Illinois Open Meetings Act, and perform such other tasks as the Chairman designates.

(Source: Amended at 21 Ill. Reg. 11927, effective August 15, 1997)

Section 1720.320 Meetings

- a) Regular Meetings – Regular meetings of the Council shall be held at least quarterly at the offices of the Council or at some location to be determined by the Chairman. Meetings and notice for meetings shall be in conformance with the Illinois Open Meetings Act.
- b) Special Meetings – Special meetings of the Council shall be called in conformance with the Illinois Open Meetings Act either by the Chairman or by a request signed by at least four (4) Council members. Only matters contained in the agenda shall be voted on at any special meeting. In the event the need for a special meeting no longer exists or the Chairman has notice that a quorum will not be reached, the Chairman may cancel a special meeting provided that a meeting called at the request of Council members may be canceled only with their consent.
- c) Public Hearings – The Council may convene public hearings, upon at least fourteen (14) days notice, in order to establish a record of public comment on proposed rules, regulations, legislation, or other matters of concern to the Council. Public hearings shall be called by the Chairman upon passage of a motion by the Council at a regular or special meeting to that effect. When appropriate, non-Council members may be appointed by the Chairman to assist in the conduct of such a public hearing. The presence of a majority of the number of Council members shall not be required in order to conduct public hearings, however, at least (1) Council member must be present.
- d) Quorum – A quorum shall constitute a majority of Council members then holding office who are present, in person or by telephone, at the initial roll call at the commencement of any regular or special meeting. If a quorum is not present at the scheduled time of the meeting, the Chairman may continue a roll call for a reasonable time after which, if a quorum is still not present, the meeting shall be adjourned.
- e) Passage of Motions – After a quorum is announced, a majority of those voting on a motion shall be sufficient to pass and make it the official act of the Council. After a quorum is announced, Council business may continue to be transacted by the members

- remaining, provided, however, that no vote may be taken unless at least four of the members then holding office are still present at the time of the vote.
- f) Voting Procedures – The Chairman shall have the right to call for a vote by voice vote or by leave to adopt a previous roll call vote, in all cases, unless there is an objection by one member, in which case a roll call vote shall be taken. The minutes shall reflect the results of each roll call.
 - g) Participation in Meetings
 - 1) Proxies – Proxies to vote shall not be permitted. A Council member must be present, in person or by telephone, to record his or her vote and to present a motion or motions.
 - 2) Written Communication – When unavailable for meetings, Council members may present signed and dated written communications which shall be distributed or read to Council Members by the Chairman. Such written communication shall not be considered proxies, votes or motions. However, a motion or motions may be made by other members concerning the contents of such written communication. Such written communications shall be included in the minutes of the meeting.
 - 3) Discussion – Discussion and participation in meetings shall be subject to Robert's Rules of Order. Non-Council members may not address the Council or otherwise participate in its meetings in any manner without the consent of the Chairman. However, if there is an objection by a Council member to such address there shall be a vote of the Council upon the matter. The Executive Director and other members of the staff shall have the right to address the Council and participate in discussion.
 - 4) Disruption – Anyone disrupting or otherwise interfering with the conduct of a meeting shall be removed from the place of meeting by order of the Chairman.
 - h) Agenda – The Chairman shall prescribe the agenda for all Council meetings. Any Council member may have an item placed on the agenda by notifying the Chairman in writing in advance of the mailing of the agenda. Such notification also should include a copy of any written materials that the Council member wishes distributed to the Council members. In every agenda, except at special meetings, there shall be a category entitled "New Business" for the initiation of matters not included in the agenda for the meeting. However, new business matters that would adversely affect the rights of any party(ies) may not be finally acted on unless the party(ies) affected has been given prior written notice thereof.

- i) Notice – An agenda, together with a notice of the time and place of all regular meetings shall be mailed to Council members at least seven (7) days prior to the meeting date. The Chairman may postpone or reschedule any regular or special meeting upon at least 24 hours notice - by telephone, mail or equivalent means- prior to the scheduled meeting. Notice of the rescheduled meeting date shall be provided at least 24 hours in advance. However, no rescheduled regular or special meeting which is to include public hearings or regulatory or rulemaking proceedings shall be rescheduled without notice being mailed at least seven (7) days prior to the rescheduled meeting date.
- j) Expenses – Members of the Council shall serve without compensation. Council Members shall be entitled to reimbursement for reasonable expenses incurred in connection with their duties.

(Source: Amended at 18 Ill. Reg. 13448, effective August 22, 1994)

Section 1720.330 Committees

- a) Committee Structure – The Council may have both ad hoc and standing committees.
- b) Standing Committees – Standing Committees shall be established by the Council through resolution directing the Chairman to appoint such a committee and defining the committee's mission and responsibility. The committees shall function consistent with subsection (j) below. Standing committee reports and recommendations shall be presented to the Council for review, consideration, acceptance, adoption, or other appropriate Council action. The Council shall establish the Grant Review Committee. The Grant Review Committee shall recommend programs, implement entities, and award amounts to the Council, consistent with the Act, the Rules for the Award and Monitoring of Trust Funds, and the annual statewide strategy approved by the Council.
- c) Ad Hoc Committees – Ad Hoc Committees shall exercise those powers as are delegated to them by the Chairman, these Organizational Rules, and as are appropriate to their mission and responsibility. Ad Hoc Committee reports and recommendations shall be submitted to the Chairman and the Council and shall be advisory only.
- d) Membership – The Chairman shall appoint all committee chairmen and vice chairmen. Standing committees shall consist of at least three (3) Council members appointed by the Chairman. Ad Hoc Committees shall include at least one council member, appointed by the Chairman. The Chairman may appoint non-Council members to an ad hoc committee. The members of all committees shall serve at the pleasure of the Chairman.
 - 1) Committee Designees – A Council member may appoint a deputy director, assistant director, or a similar senior level staff person as the Council member's designee to serve as a voting member on a committee. Such designation shall be

submitted in writing to the Chairman of the Council who will inform the appropriate committee chairmen.

- 2) Written Communication – When unavailable for meetings, committee members or their designees may present signed and dated written communications which shall be distributed or read to committee members by the chairman. Such written communications shall not be considered proxies, votes or motions. However, a motion or motions may be made by other members concerning the contents of such written communication. Such written communications shall be included in the minutes of the committee meeting.
- e) Meetings – Either the Chairman or a committee chairman may schedule a committee meeting.
- f) Quorum – A quorum of a committee shall constitute a majority of the committee members or their designees including the committee chairman or vice chairman, who are present, in person or by telephone, at the initial roll call at the commencement of any committee meeting. If a quorum is not present at the scheduled time of the meeting, the committee chairman may continue a roll call for a reasonable time after which, if a quorum is still not present, the committee meeting shall be adjourned. No vote may be taken unless at least three (3) committee members or their designees, are present at the time of the vote.
- g) Participation – With the consent of a committee chairman, representatives of any Council member, specifically designated to the Chairman of the Council, may participate in any committee for discussion purposes. Members of the Council who are not committee members shall have the right to participate in committee meetings but shall not have the right to vote. However, the Chairman of the Council may designate any Council member to become an ad hoc voting member of a committee when necessary to ensure a quorum.
- h) Notice – A committee meeting shall be scheduled upon at least seven (7) days notice by telephone, mail, or equivalent means, to committee members. However, notice for any committee meeting involving public hearings or regulatory or rulemaking proceedings must be mailed at least fourteen (14) business days prior to the meeting date.
- i) Oversight of Committees – In order to provide for oversight by the Council of committee activities, whether ad hoc or standing, Council members shall be notified by phone, mail, or equivalent means, of all motions passed by a particular committee, within seven (7) days of any committee meeting, or prior to the next meeting of that committee, or before the next meeting of the Council, whichever is sooner. Within fourteen (14) days of receipt of such information, a special meeting of the Council may be convened upon the request of four (4) Council members, for the purpose of fully discussing any action taken by a committee and to supersede the authorization granted to the committee to act on the Council's behalf in any particular matter.

- j) Minutes and Reports – Minutes of all committee meetings shall be kept. Copies of minutes shall be furnished to all members of the Council within 42 days following each committee meeting. Minutes and reports shall be the responsibility of the committee secretary.
- k) Rules – Committees shall be governed by these Organizational Rules and any and all amendments thereto.

(Source: Amended at 18 Ill. Reg. 13448, effective August 22, 1994)

Section 1720.340 Council Staff

- a) Executive Director – The Executive Director of the Authority shall be appointed by and shall serve at the pleasure of the Governor. In addition to Authority duties and responsibilities, the Executive Director shall function as the chief executive officer of the Council. In that capacity, and at the direction of the Council, the Executive Director is authorized to bind the Council in contractual and other matters affecting the general operations and responsibilities of the Council, as provided in the Illinois Motor Vehicle Theft Prevention Act. The Executive Director shall administer the Motor Vehicle Theft Prevention Trust Fund at the direction of the Council, and may also exercise such additional powers on behalf of or as may be delegated to him from time to time by the Council or its committees.
- b) Council Staff – The Council Staff shall consist of such administrative professional, clerical and other personnel as deemed required by the Executive Director and allowed for in the annual budget approved pursuant to Section 1720.350 of these rules, to assist the Council in performing its duties and fulfilling its responsibilities. The Council staff shall be organized by the Executive Director as he may deem appropriate to effectuate the purposes of the Motor Vehicle Theft Prevention Act.

Section 1720.350 Annual Council Budget

- a) Annual Budget – On an annual basis, the Executive Director shall prepare for the Council's review and approval a fiscal year budget for operations, awards and grants, and Trust Fund Income.
- b) Appropriations – The budget approved by the Council shall be incorporated into the Illinois Criminal Justice Information Authority's regular requests for appropriations in the form and manner required by the Bureau of the Budget, and shall be submitted to the Governor's Office by the Executive Director on behalf of the Council.
- c) Supplemental Appropriations – Requests for supplemental appropriations, if necessary, shall also be prepared by the Executive Director for consideration by the Council, prior to submission to the Governor's Office.

Section 1720.360 Amendment of Organizational Rules

These Organizational Rules may be amended at any regular or special meeting by a majority of the members present, provided that the proposed amendment shall have been distributed at least seven (7) days prior to such meeting

Section 1720.370 Unspecified Matters

All matters not specified by these Organizational Rules shall be governed by the Illinois Motor Vehicle Theft Prevention Act (Public Act 86-1408), the Illinois Criminal Justice Information Act (Ill. Rev. Stat. 1989, ch. 38, par. 210-1 et seq.) [5 ILCS 3930/1 et seq.], the Open Meetings Act (Ill. Rev. Stat. 1989, ch. 102, par. 41 et seq.) [5 ILCS 120/1 et seq.], the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.) [5 ILCS 100/1-1 et seq.], the rules of the Illinois Criminal Justice Information Authority, the rules of the Illinois Motor Vehicle Theft Prevention Council, and the latest edition of Robert's Rules of Order whenever applicable.

(Source: Amended at 18 Ill. Reg. 13448, effective August 22, 1994)

Section 1720.380 Effective Date

The Organizational Rules take effect upon their approval by a majority of those Council members present, and the filing of a copy thereof with the Office of the Secretary of State, and the fulfilling of any other statutory requirements, in accordance with the law.

**EXECUTIVE ORDER CREATING THE ILLINOIS INTEGRATED JUSTICE
INFORMATION SYSTEM IMPLEMENTATION BOARD**

WHEREAS, the tragic events of September 11, 2001, and the recent Washington, D.C. serial sniper incidents underscore the need to link justice information systems to close loopholes that allow dangerous criminals to move about without fear; and

WHEREAS, providing justice decision makers the right information at the right place and at the right time results in better decisions which improves public safety and results in the efficient use of public resources; and

WHEREAS, in light of the need to share critical subject information for protecting citizens from a terrorist attack and ensuring public safety, Illinois government officials must safeguard individual privacy interests and prevent unauthorized disclosures of information; and

WHEREAS, the members of the Illinois Integrated Justice Information System Governing Board have completed their strategic planning mission, have reported to the Governor and the General Assembly, and have created a plan for the implementation of an integrated justice information system for the state of Illinois; and

WHEREAS, an Implementation Body must be created to implement the strategic plan of the Illinois Integrated Justice Information System Governing Board, to set goals and objectives for integrated justice information systems, to foster communication and collaboration with justice stakeholders, to coordinate the funding of integration efforts by identifying available resources among national, state, and local participants to promote collaboration and minimize duplication of efforts, and to maintain public accountability of the justice system; and

WHEREAS, the primary obstacle to electronic information sharing between justice agencies is the lack of standards for information exchange, Illinois must adopt and build upon standards that have been developed at the national level to facilitate information sharing between disparate justice systems at national, state, and local levels.

Therefore, I, Rod Blagojevich, hereby order the following:

I. THE ESTABLISHMENT OF THE ILLINOIS INTEGRATED JUSTICE INFORMATION SYSTEM IMPLEMENTATION BOARD

There is hereby created within the Illinois Criminal Justice Information Authority an Illinois Integrated Justice Information System Implementation Board (“the Implementation Board”), consisting of 23 members, which shall independently exercise its powers, duties, and responsibilities.

II. MEMBERSHIP OF THE IMPLEMENTATION BOARD

- (a) The Attorney General or his or her designee;
- (b) The Secretary of State or his or her designee;
- (c) The Director of the Illinois Criminal Justice Information Authority;
- (d) The Director of the Illinois State Police;
- (e) The Director of the Illinois Department of Central Management Services;
- (f) The Director of the Illinois Department of Corrections;
- (g) The Director of Technology in the Governor’s Office
- (h) The Superintendent of the Chicago Police Department;
- (i) The Cook County State’s Attorney;
- (j) The Cook County Sheriff;
- (k) The Clerk of the Circuit Court of Cook County
- (l) The Cook County Chief Information Officer;
- (m) The Cook County Public Defender;
- (n) A member of the Illinois Juvenile Justice Commission appointed by the Chair of the Illinois Juvenile Justice Commission;
- (o) A representative appointed by the Illinois Association of Chiefs of Police;

- (p) A representative appointed by the Illinois Sheriffs' Association;
- (q) A representative appointed by the Illinois State's Attorneys Association;
- (r) A representative appointed by the Illinois Association of Court Clerks;
- (s) A representative appointed by the Illinois Probation and Court Services Association;
- (t) A representative appointed by the Illinois Public Defender Association;
- (u) A member of a county board other than Cook County appointed by the Governor;
- (v) A mayor, president, or manager of an Illinois municipality appointed by the Governor;
- (w) Two members of the general public appointed by the Governor. The Implementation Board may allow members identified in sections (d) through (m) above to appoint a designee to serve in his or her place as voting members of the Implementation Board.

The Supreme Court may appoint two non-voting members to serve as liaisons to the Implementation Board from the Illinois Judicial Branch. Additionally, the Implementation Board shall actively and continuously seek the input, assistance and participation of other departments, agencies, boards and commissions, units of government, private organizations, and public interest groups as necessary as appropriate.

From its membership, the Implementation Board shall elect a chair with the authority to create ad hoc committees to assist in the completion of this order.

Members of the Implementation Board shall serve without compensation. All members shall be reimbursed for reasonable expenses incurred in connection with their duties.

III. POWERS, DUTIES AND RESPONSIBILITIES OF THE IMPLEMENTATION BOARD

- (a) To promote the integration of justice information systems in Illinois;
- (b) To coordinate the development, adoption and implementation of plans and strategies for sharing justice information;
- (c) To coordinate the development of systems that enhance integration;
- (d) To establish standards to facilitate the electronic sharing of justice information;

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- (e) To promulgate policies that protect individuals' privacy rights related to the sharing of justice information;
- (f) To apply for, solicit, receive, establish priorities for, allocate, disburse, grant, contract for, and administer funds from any source to effectuate the purposes of the executive order;
- (g) To promulgate rules or regulations as may be necessary to effectuate the purposes of this executive order;
- (h) To report annually, on or before April 1st of each year to the Governor and the General Assembly, on the Implementation Board's activities in the preceding fiscal year; and
- (i) To exercise any other powers that are necessary and proper to fulfill the duties, responsibilities, and purposes of this executive order and to comply with the requirements of applicable federal or state laws or regulations.

IV. EFFECTIVE DATE

This Order shall be in full force and effect upon its filing with the Secretary of State.

ROD R. BLAGOJEVICH
Governor

ILLINOIS INTEGRATED JUSTICE INFORMATION SYSTEMS ADMINISTRATIVE CODE

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE E: MISCELLANEOUS STATE AGENCIES

CHAPTER XI: ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

**PART 1760 ILLINOIS INTEGRATED JUSTICE INFORMATION SYSTEMS
IMPLEMENTATION BOARD ORGANIZATION**

Section

1760.100 Preamble
1760.110 Membership and Officers
1760.120 Meetings
1760.130 Committees
1760.140 Amendment of Organizational Rules
1760.150 Unspecified Matters
1760.160 Effective Date

AUTHORITY: 20 ILCS 3930/7; Executive Order 2003-16, effective July 2, 2003.

SOURCE: Adopted at 28 Ill. Reg. 5262, effective March 12, 2004.

Section 1760.100 Preamble

The Illinois Integrated Justice Information System Implementation Board (hereinafter called the "Board"), created within the Illinois Criminal Justice Information Authority (hereinafter called the "Authority"), shall have the duties and responsibilities set forth in Executive Order 2003-16, effective July 2, 2003. The purpose of this Board is to promote the integration of justice systems in Illinois, to coordinate the development, adoption, and implementation of plans and strategies for sharing justice information, to establish standards to facilitate the electronic sharing of justice information, and to promulgate policies that protect individuals' privacy rights related to the sharing of justice information.

Section 1760.110 Membership and Officers

- a) Chair – The Chair shall be a Board member or official designee elected by the membership of the Board. The Chair shall serve a term of two years.
- b) Elections – Elections for Chair shall take place every other year during the Board meeting following the submission of the annual report to the Governor and General Assembly. Board members shall be provided notice at least 14 days prior to the meeting at which the Chair will be elected. Any member of the Board or an official designee may make nominations for chair from the floor or vote for any member of the Board or designee.

- c) Vice Chair – The Vice Chair shall be a Board member or designee selected by and serving at the pleasure of the Chair. Upon disability or unavailability of the Chair, the Vice Chair shall function as the Chair until the Chair again becomes able or available or until a new Chair is elected.

Section 1760.120 Meetings

- a) Regular Meetings – Regular meetings of the Board shall be held at least twice per year at the offices of the Authority or at some location to be determined by the Chair. Meetings and notice for meetings shall be in conformance with the Illinois Open Meetings Act [5 ILCS 120].
- b) Quorum – A quorum shall constitute a majority of Board members or designees then holding office who are present, in person, by telephone or other electronic means, at the initial roll call at the commencement of any regular or special meeting. If a quorum is not present at the scheduled time of the meeting, the Chair may continue a roll call for a reasonable time after which, if a quorum is still not present, the meeting shall be adjourned.
- c) Passage of Motions – After a quorum is announced, a majority of those voting on a motion shall be sufficient to pass and make it the official act of the Board. After a quorum is announced, Board business may continue to be transacted by the members remaining, provided, however, that no vote may be taken unless at least eight of the members then holding office are still present at the time of the vote.
- d) Voting Procedures – The Chair shall have the right to call for a vote by voice vote or by leave to adopt a previous roll call vote, in all cases, unless there is an objection by one member, in which case a roll call vote shall be taken. The minutes shall reflect the results of each roll call.
- e) Participation in Meetings
 - 1) Proxies – Proxies to vote shall not be permitted. A Board member or official designee may be present, in person, by telephone or other electronic means, to record his or her vote and to present a motion or motions.
 - 2) Designees – The ex officio members of the Board may appoint a deputy director, assistant director, or similar senior level staff person as the Board member's designee to serve as a voting member on the Board or on any committee. Such designation shall be in writing to the Chair of the Board. Designees shall have the full rights and authority as the ex officio member on the Board. For purposes of these rules, the ex officio members of the Board are: the Attorney General, the Secretary of State, the director of the Illinois Criminal Justice Information Authority, the director of the Illinois Department of State Police, the director of

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the Illinois Department of Central Management Services, the director of the Illinois Department of Corrections, the director of technology in the Governor's Office, the superintendent of the Chicago Police Department, the Cook County State's Attorney, the Cook County Sheriff, the clerk of the circuit court of Cook County, the Cook County Chief Information Officer, and the Cook County Public Defender.

- 3) Written Communication – When unavailable for meetings, Board members may present signed and dated written communications which shall be distributed or read to Board Members by the Chair. Such written communication shall not be considered proxies, votes or motions. However, a motion or motions may be made by other members concerning the contents of such written communication. Such written communications shall be included in the minutes of the meeting.
- 4) Discussion – Discussion and participation in meetings shall be subject to Robert's Rules of Order. Non-Board members may address the Board or otherwise participate in its meetings in any manner with the consent of the Chair. However, if there is an objection by a Board member to such address there shall be a vote of the Board upon the matter.
- 5) Disruption – Anyone disrupting or otherwise interfering with the conduct of a meeting shall be removed from the place of meeting by order of the Chair.
- f) Agenda – The Chair shall prescribe the agenda for all Board meetings. Any Board member may have an item placed on the agenda by notifying the Chair in writing in advance of the mailing of the agenda. Such notification also should include a copy of any written materials that the Board member wishes distributed to the Board members.
- g) Notice – An agenda, together with a notice of the time and place of all regular meetings shall be mailed to Board members at least seven days prior to the meeting date. The Chair may postpone or reschedule any regular or special meeting upon at least 24 hours notice – by telephone, mail or equivalent means – prior to the scheduled meeting. Notice of the rescheduled meeting date shall be provided at least 48 hours in advance.
- h) Expenses – Members of the Board shall serve without compensation. Board Members shall be entitled to reimbursement for reasonable expenses incurred in connection with their duties.

Section 1760.130 Committees

- a) Committee Structure – The Chair, in consultation with the Board, shall create committees as necessary to achieve the purposes of Executive Order 2003-16. Committees shall exercise those powers as are delegated to them by the chair and as are appropriate to their mission and responsibility.

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- b) Membership – The Chair shall appoint all committee chairs, vice chairs and members of committees. The Chair shall appoint Board members or their official designees as chairs of committees. The Chair may appoint non-board members as full voting members of any committee. The members of all committees shall serve at the pleasure of the Chair.
- c) Meetings – Either the Chair or a committee chair may schedule a committee meeting.
- d) Quorum – A quorum of a committee shall constitute a majority of the committee members or their designees then holding office, including the committee chair or vice chair, who are present, in person or by telephone, at the initial roll call at the commencement of any committee meeting. If a quorum is not present at the scheduled time of the meeting, the committee chair may continue a roll call for a reasonable time after which, if a quorum is still not present, the committee meeting shall be adjourned. No vote may be taken unless at least three committee members, are present at the time of the vote.
- e) Participation – With the consent of a committee Chair, representatives of any Board member may participate in any committee for discussion purposes. Members of the Board or designees who are not committee members shall have the right to participate in committee meetings and vote. The Chair of the Board may designate any Board member or designee to become an ad hoc voting member of a committee when necessary to ensure a quorum.
- f) Notice – A committee meeting shall be scheduled upon at least seven days notice by telephone, mail, or equivalent means, to committee members.
- g) Oversight of Committees – Committee chairs shall report committee actions to the Board at the next Board meeting following the committee meeting.
- h) Minutes and Reports – Minutes of all committee meetings shall be kept. Copies of minutes shall be furnished to all members of the Board prior to the next Board meeting or within 42 days following each committee meeting, whichever is later.
- i) Rules – Committees shall be governed by these Organizational Rules and any and all amendments to these rules.

Section 1760.140 Amendment of Organizational Rules

These Organizational Rules may be amended at any regular or special meeting by a majority of the Board members present, provided that the proposed amendment shall have been distributed at least seven days prior to such meeting.

Section 1760.150 Unspecified Matters

All matters not specified by these Organizational Rules shall be governed by the Open Meetings Act [5 ILCS 120], the Illinois Administrative Procedure Act [5 ILCS 100], and the latest edition of Robert's Rules of Order whenever applicable.

Section 1760.160 Effective Date

The Organizational Rules take effect upon their approval by a majority of those Board members present, and the filing of a copy thereof with the Office of the Secretary of State, and the fulfilling of any other statutory requirements, in accordance with the law.