



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB0217

by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Criminal History in College Applications Act. Provides that a public university or community college may not inquire about or consider an applicant's criminal history information at any time during the admission decision-making process, except as required by federal law or specified provisions of the Department of State Police Law of the Civil Administrative Code of Illinois or the Medical School Matriculant Criminal History Records Check Act, if applicable. Allows a public university or community college to use a multi-institution application, even if the application inquires about criminal history, but requires the public university or community college to disregard the information for the admission process. Allows a public university or community college to inquire about criminal history for certain purposes after the admission decision-making process, but forbids a public university or community college from rescinding an admission offer based on the information. Authorizes a public university or community college to provide certain information. Effective immediately.

LRB101 05115 AXK 50127 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Criminal History in College Applications Act.

6 Section 5. Definitions. In this Act:

7 "Admission decision-making process" means the submission  
8 of a college application and all aspects of the college  
9 application process through admission.

10 "Applicant" means an individual who is seeking admission to  
11 a public college.

12 "Criminal history information" means any record regarding  
13 an applicant's criminal history, including, but not limited to,  
14 records of (1) arrests and detentions, (2) criminal charges or  
15 indictments and the nature of any disposition arising therefrom  
16 that does not result in a conviction, and (3) convictions.

17 "Public college" means the University of Illinois,  
18 Southern Illinois University, Chicago State University,  
19 Eastern Illinois University, Governors State University,  
20 Illinois State University, Northeastern Illinois University,  
21 Northern Illinois University, Western Illinois University, the  
22 public community colleges of this State, and any other public  
23 universities, colleges, and community colleges now or

1 hereafter established or authorized by the General Assembly.

2 Section 10. Inquiry about and consideration of criminal  
3 history information during the admission process.

4 (a) A public college may not inquire about or consider an  
5 applicant's criminal history information at any time during the  
6 admission decision-making process.

7 (b) Notwithstanding the provisions of subsection (a) of  
8 this Section, a public college may make inquiry about or  
9 consider an applicant's criminal history information if such  
10 inquiry or consideration is required by federal law or pursuant  
11 to Section 2605-327 of the Department of State Police Law of  
12 the Civil Administrative Code of Illinois or Section 10, 15, or  
13 20 of the Medical School Matriculant Criminal History Records  
14 Check Act, if applicable. Any inquiry or consideration shall be  
15 limited to that which is necessary to comply with the  
16 applicable State or federal law. Inquiry about or consideration  
17 of criminal history information outside the scope of that  
18 required by applicable State or federal law is prohibited.

19 Section 15. Multi-institution applications.

20 (a) Notwithstanding the provisions of Section 10 of this  
21 Act, a public college may use an application for admission that  
22 inquires about an applicant's criminal history if (1) that  
23 application is administered by a third-party vendor and (2) the  
24 application allows applicants to apply for admission at

1 multiple institutions simultaneously.

2 (b) A public college that elects to use a multi-institution  
3 application as described in subsection (a) of this Section may  
4 not consider any criminal history information provided on the  
5 multi-institution application at any point during the  
6 admission decision-making process and may not make any further  
7 inquiries about an applicant's criminal history information  
8 during the admission decision-making process. If State or  
9 federal law requires inquiry or consideration of an applicant's  
10 criminal history information, any consideration of that  
11 criminal history information shall be limited to that which is  
12 necessary to comply with applicable State or federal law, as  
13 set forth in Section 10 of this Act.

14 (c) Except when inquiry or consideration of criminal  
15 history information is required by State or federal law, a  
16 public college that elects to use a multi-institution  
17 application that inquires into criminal history information  
18 pursuant to subsection (a) of this Section shall publish a  
19 statement, prominently displayed on all of the public college's  
20 admission materials and its admission website, that informs  
21 applicants that (1) the public college is prohibited from  
22 considering an applicant's criminal history information  
23 pursuant to Illinois law and (2) an applicant using the  
24 multi-institution application will not be penalized for  
25 failing to answer questions about his or her criminal history  
26 information.

1 Section 20. Permitted inquiries.

2 (a) After an individual has been admitted as a student, a  
3 public college may, but is not required to, make inquiries  
4 about and consider an individual's criminal history  
5 information for the purposes of offering the individual  
6 counseling, services, or other guidance.

7 (b) After an individual has been admitted as a student and  
8 subject to any applicable federal or State law or local  
9 ordinance, a public college may, but is not required to, make  
10 inquiries about or consider an individual's past criminal  
11 conviction history for the purposes of making decisions about  
12 participation in activities and aspects of campus life  
13 associated with the individual's status as a student,  
14 including, but not limited to, housing. At no time may a public  
15 college inquire about criminal history information that is  
16 sealed or expunged or that did not result in conviction,  
17 including inquiring about any arrests or detentions or any  
18 criminal charges and the nature of any disposition arising  
19 therefrom that does not result in a conviction.

20 (c) A public college may not use the information gathered  
21 in making an inquiry under this Section to rescind an offer of  
22 admission.

23 Section 25. Information about educational, licensing, or  
24 employment barriers for people with criminal records. A public

1 college may include information on its admission materials and  
2 website that informs prospective applicants that a criminal  
3 record may affect an individual's ability to obtain certain  
4 professional or occupational licenses or types of employment or  
5 to participate in certain clinical or other educational  
6 requirements. A public college may provide a contact for  
7 applicants or prospective applicants to ask questions and seek  
8 advice about any restrictions they may face due to a criminal  
9 record. Any information obtained by a public college pursuant  
10 to this Section may not be considered during the admission  
11 decision-making process and its use is otherwise subject to the  
12 provisions of Section 20 of this Act and any confidentiality or  
13 similar provisions under State or federal law.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.