



Rep. Mary E. Flowers

Filed: 2/14/2019

10100HB0217ham001

LRB101 05115 AXK 55845 a

1 AMENDMENT TO HOUSE BILL 217

2 AMENDMENT NO. _____. Amend House Bill 217 by replacing
3 everything after the enacting clause with the following:

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 college.

12 "College" means any public or private institution of higher
13 education authorized to confer degrees by the Board of Higher
14 Education, including a college or university, professional
15 school, or technical school.

16 "Criminal history information" means any record regarding

1 an applicant's criminal history, including, but not limited to,
2 records of (1) arrests and detentions, (2) criminal charges or
3 indictments and the nature of any disposition arising therefrom
4 that does not result in a conviction, and (3) convictions.

5 Section 10. Inquiry about and consideration of criminal
6 history information during the admission process.

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

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

22 Section 15. Multi-institution applications.

23 (a) Notwithstanding the provisions of Section 10 of this
24 Act, a college may use an application for admission that

1 inquires about an applicant's criminal history if (1) that
2 application is administered by a third-party vendor and (2) the
3 application allows applicants to apply for admission at
4 multiple institutions simultaneously.

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

17 (c) Except when inquiry or consideration of criminal
18 history information is required by State or federal law, a
19 college that elects to use a multi-institution application that
20 inquires into criminal history information pursuant to
21 subsection (a) of this Section shall publish a statement,
22 prominently displayed on all of the college's admission
23 materials and its admission website, that informs applicants
24 that (1) the college is prohibited from considering an
25 applicant's criminal history information pursuant to Illinois
26 law and (2) an applicant using the multi-institution

1 application will not be penalized for failing to answer
2 questions about his or her criminal history information.

3 Section 20. Permitted inquiries.

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

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

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

1 Section 25. Information about educational, licensing, or
2 employment barriers for people with criminal records. A college
3 may include information on its admission materials and website
4 that informs prospective applicants that a criminal record may
5 affect an individual's ability to obtain certain professional
6 or occupational licenses or types of employment or to
7 participate in certain clinical or other educational
8 requirements. A college may provide a contact for applicants or
9 prospective applicants to ask questions and seek advice about
10 any restrictions they may face due to a criminal record. Any
11 information obtained by a college pursuant to this Section may
12 not be considered during the admission decision-making process
13 and its use is otherwise subject to the provisions of Section
14 20 of this Act and any confidentiality or similar provisions
15 under State or federal law.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.".