

SB3517



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3517

Introduced 2/14/2020, by

SYNOPSIS AS INTRODUCED:

New Act

Creates the Criminal History in College Applications Act. Prohibits a college from inquiring about or considering an applicant's criminal history information until after a provisional offer of admission has been made. Sets forth provisions concerning multi-institution applications, criminal history inquiries after a provisional offer of admission, an appeals process, and the provision of information about education, licensing, and employment barriers for people with criminal records.

LRB101 20365 CMG 69911 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 "Applicant" means an individual who is seeking admission to
8 a college.

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

13 "Conviction" means, with respect to a criminal offense, a
14 judgment of conviction or sentence entered upon a plea of
15 guilty or upon a verdict or finding of guilt, rendered by a
16 legally constituted jury or by a court in a case without a
17 jury. For purposes of this Act, (i) an order of supervision or
18 qualified probation, as defined in Section 5.2 of the Criminal
19 Identification Act, that has been discharged or dismissed, or
20 (ii) a juvenile adjudication shall not be deemed a conviction.

21 "Criminal history information" means any record regarding
22 an applicant's criminal history but does not include arrests,
23 detentions, criminal charges, or indictments that did not

1 result in a conviction.

2 "Provisional offer of admission" means the decision of a
3 college to admit an applicant based upon academic performance,
4 essays, a list of activities, achievements, honors, and other
5 published criteria but without consideration of criminal
6 history information or other conduct matters.

7 Section 10. Criminal history inquiries prior to
8 provisional offer of admission prohibited. A college may not
9 inquire about or consider an applicant's criminal history
10 information until after a provisional offer of admission has
11 been made to the applicant.

12 Section 15. Multi-institution applications.

13 (a) Notwithstanding Section 10 of this Act, a college may
14 use an application for admission that inquires about an
15 applicant's criminal history if (i) that application is
16 administered by a third-party vendor and (ii) the application
17 allows applicants to apply for admission at multiple
18 institutions simultaneously.

19 (b) A college that elects to use a multi-institution
20 application as described in subsection (a) may not consider any
21 criminal history information provided on the multi-institution
22 application until after a provisional offer of admission has
23 been made to the applicant.

24 (c) A college that elects to use a multi-institution

1 application as described in subsection (a) shall publish a
2 statement that must be prominently displayed on all of the
3 college's admission materials and its admission website, that
4 informs applicants that they are not required to answer a
5 criminal history inquiry prior to issuance of a provisional
6 offer of admission by the college.

7 (d) A college that uses a multi-institution application as
8 described in subsection (a) may not add additional or optional
9 questions to the multi-institution application that ask about
10 criminal history information.

11 Section 20. Criminal history inquiries after provisional
12 offer of admission.

13 (a) After a college has made and communicated its
14 provisional offer of admission, it may inquire about or
15 consider an applicant's prior convictions or any criminal
16 charges that are pending at the time of the inquiry. A college
17 may withdraw, rescind, or amend its provisional offer of
18 admission upon a finding that the applicant's prior convictions
19 demonstrate that admission of the applicant will have a
20 detrimental impact on campus safety or security, as provided in
21 subsection (d), but a college may not automatically or
22 unreasonably deny an applicant's admission or restrict access
23 to the campus, educational activities, or campus life.

24 (b) At no time may a college consider criminal history
25 information that has been sealed, expunged, or impounded under

1 applicable laws, nor may it consider information unrelated to a
2 conviction, including, but not limited to, arrest, complaint,
3 or indictment information that did not result in a conviction.

4 (c) A college that chooses to make an inquiry about or
5 considers an applicant's prior convictions shall (i) inform
6 applicants that individuals with a prior conviction are
7 presumed to be eligible for admission and (ii) provide
8 applicants with an opportunity to provide information about the
9 conviction, including any mitigating circumstances or
10 clarifying information.

11 (d) An applicant with a prior conviction or convictions
12 shall be presumed to be eligible for admission.

13 In determining whether an applicant's prior conviction
14 demonstrates that admission of the applicant will have a
15 detrimental impact on campus safety or security, a college must
16 articulate the specific reasons or circumstances surrounding
17 the applicant's prior convictions that demonstrate that the
18 applicant may be a threat to campus safety or security.
19 Categorical denials based on the type of conviction is not
20 sufficient to rescind, withdraw, or amend a provisional offer.

21 If the college determines that admission of an applicant
22 may have a detrimental impact on campus safety or security, it
23 may not rescind or withdraw a provisional offer of admission if
24 there are less restrictive measures that the college may
25 reasonably take to mitigate the perceived risks of admitting
26 the applicant. Any such measure shall limit the applicant's

1 participation in education or campus life only to the degree
2 necessary to address the specific risks that the college has
3 determined that the admission of the applicant poses.

4 Section 25. Appeals.

5 (a) A college must establish an expedited appeals process
6 under this Act.

7 (b) An applicant who is denied admission due to the
8 applicant's prior conviction or an applicant for whom the
9 college has limited his or her participation in education or
10 campus life must be notified of the opportunity to appeal the
11 decision.

12 (c) An appeals process must allow for the applicant to
13 present additional information, including mitigating
14 circumstances or other information, to show that the applicant
15 is not a threat to campus safety or security, including an
16 opportunity for an in-person interview.

17 (d) A college must inform the applicant of the result of
18 the appeal in writing and must articulate the reason for its
19 decision to rescind, withdraw, or amend its provisional offer
20 of admission or its decision to admit the applicant.

21 Section 30. Information about education, licensing, or
22 employment barriers for people with criminal records. A college
23 may include information on its admission website that informs
24 prospective applicants that a criminal record may affect an

1 individual's ability to obtain certain professional or
2 occupational licenses or types of employment or to participate
3 in vertical clinical or other education requirements. A college
4 may provide a contact for applicants or prospective applicants
5 to ask questions and seek advice about any restrictions they
6 may face due to a criminal record. Any information provided by
7 the applicant to the contact may not be shared with admissions
8 personnel.