



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3142

by Rep. Barbara Wheeler

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Criminal History in College Applications Act. Provides that a public 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 State or federal law. Allows public colleges to continue using a multi-institution application, even if the application inquires about criminal history, but requires the public college to disregard the information for the admissions process. Allows public colleges to inquire about criminal history for certain purposes after the admission decision-making process, but forbids public colleges from rescinding an admissions offer based on the information. Authorizes public colleges to provide certain information. Effective immediately.

LRB100 10028 MLM 20200 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 Section:

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 admissions 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 State or federal law.  
11 Any inquiry or consideration shall be limited to that which is  
12 necessary to comply with the applicable State or federal law.  
13 Inquiry about or consideration of criminal history information  
14 outside the scope of that required by applicable State or  
15 federal law is prohibited.

16 Section 15. Multi-institution applications.

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

23 (b) A public college that elects to use a multi-institution  
24 application as described in subsection (a) of this Section may

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

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

24 Section 20. Permitted inquiries.

25 (a) After an individual has been admitted as a student, a

1 public college may, but is not required to, make inquiries  
2 about and consider an individual's criminal history  
3 information for the purposes of offering the individual  
4 counseling and services.

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

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

21 Section 25. Information about educational, licensing, or  
22 employment barriers for people with criminal records. A public  
23 college may include information on its admissions materials and  
24 website that informs prospective applicants that a criminal  
25 record may affect an individual's ability to obtain certain

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

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.