

SB2074



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2074

Introduced 2/10/2017, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

New Act

Creates the Conviction History Reporting Act. Prohibits a consumer reporting agency from reporting in a criminal history report (1) criminal history information that antedates the report by more than 5 years and (2) criminal history record information that is not conviction information. Authorizes the recovery of damages, punitive damages, and attorney's fees. Effective immediately.

LRB100 09955 JLS 20126 b

A BILL FOR

1 AN ACT concerning business.

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 Conviction History Reporting Act.

6 Section 5. Definitions. In this Act:

7 "Consumer reporting agency" means any person or entity
8 that, for monetary fees, dues, or on a cooperative non-profit
9 basis, regularly engages, in whole or in part, in the practice
10 of assembling or evaluating criminal history record
11 information on individuals for the purpose of furnishing
12 criminal history reports to third parties.

13 "Conviction information" means data reflecting a judgment
14 of guilt or nolo contendere or any disposition arising
15 therefrom, including sentencing, correctional supervision,
16 rehabilitation, or release. For purposes of this Act, an order
17 of supervision or qualified probation as defined by Section 5.2
18 of the Criminal Identification Act that has been discharged or
19 dismissed shall not be deemed conviction information.

20 "Criminal history record information" means records of
21 arrest, complaint, indictment, or any disposition arising
22 therefrom.

23 "Criminal history report" means any written, oral, or other

1 communication of information that includes criminal history
2 record information about a natural person.

3 Section 10. Applicability; exclusion. The provisions of
4 this Act do not apply to background collected, maintained, or
5 disseminated pursuant to the Illinois Uniform Conviction
6 Information Act.

7 Section 15. Limit on reporting of criminal history record
8 information.

9 (a) A criminal history report furnished to a third party
10 shall not include (1) criminal history information that
11 antedates the report by more than 5 years or (2) criminal
12 history record information that is not conviction information.

13 (b) Nothing in this Act abrogates a consumer reporting
14 agency's ability to (1) report that an individual is currently
15 subject to a publicly available registry established under the
16 laws of this State or (2) otherwise report information that is
17 not criminal history record information.

18 Section 20. Remedies. If a consumer reporting agency
19 violates the terms of this Act, the subject of any criminal
20 history report may recover in a civil action:

21 (1) damages in the amount of \$1,000 for each report
22 provided to a third party in violation of this Act or
23 actual damages, whichever is greater;

1 (2) costs and such reasonable attorney's fees as may be
2 allowed by the court; and

3 (3) any other relief as may be appropriate, including
4 punitive damages.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.