

SB2185



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2185

Introduced 2/26/2021, by Sen. Elgie R. Sims, Jr.

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.

LRB102 12071 CMG 17408 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
8 to a college.

9 "College" means any public or private institution of
10 higher education authorized to confer degrees by the Board of
11 Higher Education, including a college or university,
12 professional 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
21 any criminal history information provided on the
22 multi-institution application until after a provisional offer
23 of admission has 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
19 convictions demonstrate that admission of the applicant will
20 have a detrimental impact on campus safety or security, as
21 provided in subsection (d), but a college may not
22 automatically or unreasonably deny an applicant's admission or
23 restrict access to the campus, educational activities, or
24 campus life.

25 (b) At no time may a college consider criminal history

1 information that has been sealed, expunged, or impounded under
2 applicable laws, nor may it consider information unrelated to
3 a conviction, including, but not limited to, arrest,
4 complaint, or indictment information that did not result in a
5 conviction.

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

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

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

24 If the college determines that admission of an applicant
25 may have a detrimental impact on campus safety or security, it
26 may not rescind or withdraw a provisional offer of admission

1 if there are less restrictive measures that the college may
2 reasonably take to mitigate the perceived risks of admitting
3 the applicant. Any such measure shall limit the applicant's
4 participation in education or campus life only to the degree
5 necessary to address the specific risks that the college has
6 determined that the admission of the applicant poses.

7 Section 25. Appeals.

8 (a) A college must establish an expedited appeals process
9 under this Act.

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

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

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

24 Section 30. Information about education, licensing, or

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