



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3835

Introduced 2/17/2023, by Rep. Brad Halbrook

SYNOPSIS AS INTRODUCED:

310 ILCS 10/3a new

Amends the Housing Authorities Act. Provides that each person considered or recommended for appointment as a commissioner of a Housing Authority shall complete an application prior to his or her appointment. Requires the application to include a question concerning whether the person has been convicted of or found to be a child sex offender. Provides that no presiding officer of any municipality or county and no governing body of the unit of local government shall knowingly consider for appointment a person who has been convicted of or found to be a child sex offender, and shall remove such person from consideration upon discovery of the offense. Requires any commissioner of a Housing Authority to immediately disclose his or her conviction for a child sex offense to the presiding officer and governing body. Requires each person considered or recommended for appointment as a commissioner of a Housing Authority to authorize a criminal history investigation to determine if he or she has been convicted of specified criminal or drug offenses. Requires the Illinois State Police to conduct the criminal history investigation, upon request, for a fee charged to the municipality or county that requested the investigation. Requires the Illinois State Police and the Federal Bureau of Investigation to furnish the results of the investigation to the presiding officer and governing body of the unit of local government. Provides that any information or criminal records obtained by the presiding officer and the governing body shall be confidential. Provides that no presiding officer or governing body shall knowingly appoint or approve the appointment of any person who has been convicted of specified criminal or drug offenses. Effective immediately.

LRB103 25451 KTG 51800 b

1 AN ACT concerning housing.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Housing Authorities Act is amended by
5 adding Section 3a as follows:

6 (310 ILCS 10/3a new)

7 Sec. 3a. Commissioner applications; criminal background
8 investigations.

9 (a) As used in this Section:

10 "Child sex offender" has the meaning provided in paragraph
11 (1) of subsection (d) of Section 11-9.3 of the Criminal Code of
12 2012.

13 (b) Each person considered or recommended for appointment
14 as a commissioner of a Housing Authority shall complete an
15 application prior to his or her appointment to the Housing
16 Authority. The application shall include, but shall not be
17 limited to, a question for the person to answer concerning
18 whether the person has been convicted of or found to be a child
19 sex offender. No presiding officer of any municipality or
20 county and no governing body of the unit of local government
21 shall knowingly consider for appointment a person who has been
22 convicted of or found to be a child sex offender. A presiding
23 officer or the governing body shall remove such person from

1 consideration upon discovery of the offense.

2 If any commissioner of a Housing Authority is convicted of
3 or found to be a child sex offender, the commissioner shall
4 immediately disclose the conviction or finding to the
5 presiding officer having appointment authority and to the
6 governing body of the unit of local government.

7 (c) Each person considered or recommended for appointment
8 as a commissioner of a Housing Authority is required as a
9 condition of his or her appointment to authorize an
10 investigation to determine if he or she has been convicted of
11 any of the enumerated criminal or drug offenses in subsection
12 (e) or (f) of this Section, or adjudicated a delinquent minor
13 for any of the enumerated criminal or drug offenses in
14 subsection (e) or (f) of this Section, or has been convicted,
15 within 7 years prior to the date of his or her application
16 required under subsection (b), of any other felony under the
17 laws of this State or of any offense committed or attempted in
18 any other state or against the laws of the United States that,
19 if committed or attempted in this State, would have been
20 punishable as a felony under the laws of this State.
21 Authorization for the investigation shall be furnished by the
22 person to the presiding officer and the governing body. Upon
23 receipt of this authorization, the presiding officer, in
24 consultation with the governing body, shall submit the
25 person's name, sex, race, date of birth, and social security
26 number to the Illinois State Police on forms prescribed by the

1 Illinois State Police. The Illinois State Police shall conduct
2 a search of the Illinois criminal history records database to
3 ascertain if the person being considered for appointment has
4 been convicted of any of the enumerated criminal or drug
5 offenses in subsection (e) or (f) of this Section, or
6 adjudicated a delinquent minor for committing or attempting to
7 commit any of the enumerated criminal or drug offenses in
8 subsection (e) or (f) of this Section, or has been convicted of
9 committing or attempting to commit, within 7 years prior to
10 the date of his or her application required under subsection
11 (b), any other felony under the laws of this State. The
12 Illinois State Police shall charge the municipality or county
13 a fee for conducting the investigation, which fee shall be
14 deposited into the State Police Services Fund and shall not
15 exceed the cost of the inquiry. The person shall not be charged
16 a fee by the municipality or county for the investigation.

17 (d) If the search of the Illinois criminal history record
18 database indicates that the person has been convicted of any
19 of the enumerated criminal or drug offenses in subsection (e)
20 or (f), or adjudicated a delinquent minor for committing or
21 attempting to commit any of the enumerated criminal or drug
22 offenses in subsection (e) or (f), or has been convicted of
23 committing or attempting to commit, within 7 years prior to
24 the date of his or her application required under subsection
25 (b), any other felony under the laws of this State, the
26 Illinois State Police and the Federal Bureau of Investigation

1 shall furnish, pursuant to a fingerprint-based background
2 check, records of convictions or adjudications as a delinquent
3 minor, until expunged, to the presiding officer and the
4 governing body. Any information concerning the record of
5 convictions or adjudications as a delinquent minor obtained by
6 the presiding officer and the governing body shall be
7 confidential and may only be transmitted to those persons who
8 are necessary to the decision on whether to appoint the person
9 to the Housing Authority. A copy of the record of convictions
10 or adjudications as a delinquent minor obtained from the
11 Illinois State Police shall be provided to the person
12 considered or recommended for appointment. Any individual who
13 releases any confidential information concerning any criminal
14 convictions or adjudications as a delinquent minor of the
15 person considered or recommended for appointment shall be
16 guilty of a Class A misdemeanor, unless the release of such
17 information is authorized by this Section.

18 (e) No presiding officer or governing body shall knowingly
19 appoint or approve the appointment of any person who has been
20 convicted, or adjudicated a delinquent minor, for committing
21 attempted first degree murder or for committing or attempting
22 to commit first degree murder, a Class X felony, or any one or
23 more of the following criminal offenses: (i) those defined in
24 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
25 11-9, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-18,
26 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,

1 11-21, 11-30 (if convicted of a Class 4 felony), 12-7.3,
2 12-7.4, 12-7.5, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the
3 Criminal Code of 1961 or the Criminal Code of 2012; and (ii)
4 any offense committed or attempted in any other state or
5 against the laws of the United States, which, if committed or
6 attempted in this State, would have been punishable as one or
7 more of the foregoing offenses. Further, no presiding officer
8 or governing body shall knowingly appoint or approve the
9 appointment of any person who has been found to be the
10 perpetrator of sexual or physical abuse of any minor under 18
11 years of age pursuant to proceedings under Article II of the
12 Juvenile Court Act of 1987. No presiding officer or governing
13 board shall knowingly appoint or approve the appointment of
14 any person for whom a criminal background investigation has
15 not been initiated.

16 (f) No presiding officer or governing body shall knowingly
17 appoint or approve the appointment of any person who has been
18 convicted of the following drug offenses, other than an
19 offense set forth in subsection (e), until 7 years following
20 the end of the sentence imposed for any of the following
21 offenses: (i) those defined in the Cannabis Control Act,
22 except those defined in subsections (a), (b), and (c) of
23 Section 4 of that Act and in subsections (a) and (b) of Section
24 (5) of that Act; (ii) those defined in the Illinois Controlled
25 Substances Act; (iii) those defined in the Methamphetamine
26 Control and Community Protection Act; and (iv) any offense

1 committed or attempted in any other state or against the laws
2 of the United States, which, if committed or attempted in this
3 State, would have been punishable as one or more of the
4 foregoing offenses. As used in this paragraph, "sentence"
5 includes any period of supervision or probation that was
6 imposed either alone or in combination with a period of
7 incarceration.

8 (g) Notwithstanding the provisions of subsections (e) and
9 (f), a presiding officer or governing body may, in its
10 discretion, appoint or approve the appointment of a person who
11 has been granted a certificate of good conduct under Section
12 5-5.5-25 of the Unified Code of Corrections by the circuit
13 court.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.