



Filed: 2/9/2005

09400HB0367ham001

LRB094 02477 LCB 40877 a

1 AMENDMENT TO HOUSE BILL 367

2 AMENDMENT NO. _____. Amend House Bill 367 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Landlord and Tenant Act is amended by
5 adding Sections 3 and 4 as follows:

6 (765 ILCS 705/3 new)

7 Sec. 3. Criminal background check.

8 (a) A landlord may obtain a criminal background check on
9 any individual seeking to lease property from the landlord or
10 sublease property from a tenant of the landlord. The landlord
11 may refuse to lease the property or may refuse to allow the
12 sublease if: (i) the individual's tenancy would constitute a
13 direct threat to the health or safety of other individuals or
14 the individual's tenancy would result in substantial physical
15 damage to the property of others; or (ii) the individual has
16 been convicted by any court of competent jurisdiction of the
17 illegal manufacture or distribution of a controlled substance
18 as defined in the federal Controlled Substances Act or the
19 Illinois Controlled Substances Act.

20 (b) The landlord may not use the criminal background check
21 to discriminate against a protected class.

22 (765 ILCS 705/4 new)

23 Sec. 4. Home rule. A home rule unit, other than a home rule

1 municipality with more than 2,000,000 inhabitants, may not
2 regulate the rights of landlords in a manner that is
3 inconsistent with Section 3 of this Act. This Section is a
4 denial and limitation of home rule functions under subsection
5 (i) of Section 6 of Article VII of the Illinois Constitution."