



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB4612

by Rep. LaShawn K. Ford

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the State Employment Application Act. Provides that an application for State employment may not contain any question as to whether the applicant was convicted of or placed on supervision for a non-violent criminal offense but must contain a question as to whether the applicant for State employment has ever been convicted of a violent offense that is classified as a felony. Requires each applicant for State employment to undergo a criminal background check. Provides that if a federal or State law disqualifies a person convicted of certain offenses from holding a position, an application for that position may inquire as to whether the applicant has been convicted of a disqualifying offense. Provides that if an applicant is applying for a position of peace officer, an application for that position may inquire as to whether the applicant has been convicted of a disqualifying offense. Provides that nothing in the Act prohibits a decision to refuse to hire on the basis that the applicant has been convicted of a criminal offense. Effective immediately.

LRB095 15585 RLC 44876 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State employment.

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 State  
5 Employment Application Act.

6 Section 5. Definition. In this Act:

7 "Application for State employment" means a written or  
8 electronic form submitted by an applicant who is seeking  
9 employment with a State agency.

10 "Violent offense" means an offense that is a violent crime  
11 as defined in the Rights of Crime Victims and Witnesses Act.

12 "State agency" has the meaning ascribed to it in Section  
13 1-7 of the Illinois State Auditing Act.

14 Section 10. State employment application; required  
15 question. Subject to the exception set out in Section 15 of  
16 this Act, an application for State employment may not contain  
17 any question as to whether the applicant was convicted of or  
18 placed on supervision for a non-violent criminal offense but  
19 must contain a question as to whether the applicant for State  
20 employment has ever been convicted of a violent offense that is  
21 classified as a felony.

1           Section 15. Criminal background checks required. Each  
2 applicant for State employment must undergo a criminal  
3 background check conducted by the Department of State Police.  
4 Each applicant for State employment shall submit his or her  
5 fingerprints to the Department of State Police in an electronic  
6 format that complies with the form and manner for requesting  
7 and furnishing criminal history record information prescribed  
8 by the Department of State Police. The fingerprints submitted  
9 under this Section shall be checked against the fingerprint  
10 records now and hereafter filed in the Department of State  
11 Police criminal history record databases and the National  
12 Instant Criminal Background Check System. The Department of  
13 State Police shall charge a fee for conducting the criminal  
14 history records check, which shall not exceed the actual cost  
15 of the records check. Fees collected from criminal background  
16 checks shall be deposited into the State Police Services Fund.  
17 The Department of State Police shall provide information  
18 concerning any criminal convictions, now or hereafter filed,  
19 against the individual in its files and those of the Federal  
20 Bureau of Investigation, including the National Instant  
21 Criminal Background Check System, to the State agency in which  
22 the applicant applies for State employment.

23           Section 20. Application of federal or State law. If a  
24 federal or State law disqualifies a person convicted of certain  
25 offenses from holding a position, an application for that

1 position may inquire as to whether the applicant has been  
2 convicted of a disqualifying offense. If an applicant is  
3 applying for a position of peace officer as defined in Section  
4 2-13 of the Criminal Code of 1961, an application for that  
5 position may inquire as to whether the applicant has been  
6 convicted of a disqualifying offense.

7 Section 25. Refusal to hire for conviction of a criminal  
8 offense. Nothing in this Act prohibits a decision to refuse to  
9 hire on the basis that the applicant has been convicted of a  
10 criminal offense.

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