

1 AN ACT concerning 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 Task
5 Force on Inventorying Employment Restrictions Act.

6 Section 5. Purpose. The General Assembly finds and declares
7 that:

8 (1) public safety dictates the adoption of employment
9 restrictions to protect vulnerable populations, to prevent
10 the risk of loss and liability, and to minimize the
11 likelihood of harm to the public, fellow employees and
12 customers;

13 (2) gainful employment after release from prison is one
14 of the critical elements necessary to achieve successful
15 reentry after prison and that employment has been shown to
16 reduce recidivism;

17 (3) to make our communities safer, public safety also
18 requires that employment opportunities not be so
19 restricted that people with criminal records are unable to
20 engage in gainful employment;

21 (4) many State laws and policies impose restrictions on
22 the employment of persons with criminal records including
23 State government jobs, jobs in State-licensed, regulated

1 and funded entities, and jobs requiring State
2 certification;

3 (5) no comprehensive review of these restrictions has
4 been undertaken to evaluate whether the restrictions are
5 substantially related to the safety, trust and
6 responsibility required of the job or to the goal of
7 furthering public safety;

8 (6) a less restrictive approach is preferred if it both
9 furthers public safety and preserves employment
10 opportunities; and

11 (7) the State's agencies, boards, and commissions can
12 assume a leadership role in providing employment
13 opportunities to people with criminal records by reviewing
14 their employment policies and practices and identifying
15 barriers to employment that can safely be removed to enable
16 people with criminal records to demonstrate their
17 rehabilitation.

18 Section 10. Definitions. As used in this Act:

19 "State agencies" shall mean the following State
20 agencies, boards, and commissions: Department on Aging,
21 Department of Agriculture, Office of Appellate Defender,
22 Office of the State's Attorneys Appellate Prosecutor,
23 Illinois Arts Council, Office of the Attorney General,
24 Auditor General, Capital Development Board, Department of
25 Central Management Services, Department of Children and

1 Family Services, Civil Service Commission, Illinois
2 Department of Commerce and Economic Opportunity, Illinois
3 Commerce Commission, Illinois Community College Board,
4 State of Illinois Comprehensive Health Insurance Plan,
5 Office of the Comptroller, Department of Corrections,
6 Criminal Justice Information Authority, Illinois Council
7 on Developmental Disabilities, Illinois Deaf and Hard of
8 Hearing Commission, Commission on Discrimination and Hate
9 Crimes, State Board of Education, Illinois Educational
10 Labor Relations Board, State Board of Elections, Illinois
11 Emergency Management Agency, Department of Employment
12 Security, Environmental Protection Agency, Illinois State
13 Fair, Illinois Finance Authority, Department of Financial
14 and Professional Regulation, Office of the First Lady,
15 Illinois Gaming Board, Office of the Governor,
16 Guardianship and Advocacy Commission, Department of
17 Healthcare and Family Services, Board of Higher Education,
18 Historic Preservation Agency, Illinois Housing Development
19 Authority, Illinois Human Rights Commission, Department of
20 Human Rights, Department of Human Services, Illinois State
21 Board of Investment, Department of Juvenile Justice,
22 Office of the Lieutenant Governor, Department of Labor,
23 Illinois Labor Relations Board, Illinois Law Enforcement
24 Training Standards Board, Illinois Liquor Control
25 Commission, Illinois Lottery, Governor's Office of
26 Management and Budget, Illinois Medical District

1 Commission, Department of Military Affairs, Department of
2 Natural Resources, Pollution Control Board, Prairie State
3 2000 Authority, Property Tax Appeal Board, Department of
4 Public Health, Illinois Prisoner Review Board, Illinois
5 Racing Board, Department of Revenue, Office of the
6 Secretary of State, State Fire Marshal, Illinois State
7 Police, State Police Merit Board, State Retirement
8 Systems, Office of the State Treasurer, State Universities
9 Civil Service System, State Universities Retirement
10 System, Illinois Student Assistance Commission, Illinois
11 Supreme Court, Illinois Teachers' Retirement System,
12 Illinois State Toll Highway Authority, Department of
13 Transportation, Department of Veterans Affairs',
14 Governor's Office of Women's Affairs, and Illinois
15 Workers' Compensation Commission.

16 Section 15. Task Force.

17 (a) The Task Force on Inventorying Employment Restrictions
18 is hereby created in the Illinois Criminal Justice Information
19 Authority. The purpose of the Task Force is to review the
20 statutes, administrative rules, policies and practices that
21 restrict employment of persons with a criminal history, as set
22 out in subsection (c) of this Section, and to report to the
23 Governor and the General Assembly those employment
24 restrictions and their impact on employment opportunities for
25 people with criminal records.

1 (b) Within 60 days after the effective date of this Act,
2 the President of the Senate, the Speaker of the House of
3 Representatives, the Minority Leader of the Senate, and the
4 Minority Leader of the House of Representatives shall each
5 appoint 2 members to the Task Force. In addition, the Director
6 or Secretary of each of the following, or his or her designee,
7 are members: the Department of Human Services, the Department
8 of Corrections, the Department of Commerce and Economic
9 Opportunity, the Department of Children and Family Services,
10 the Department of Human Rights, the Illinois State Board of
11 Education, the Illinois Board of Higher Education, and the
12 Illinois Community College Board. Members shall not receive
13 compensation. The Illinois Criminal Justice Information
14 Authority shall provide staff and other assistance to the Task
15 Force.

16 (c) On or before September 1, 2009, all State agencies
17 shall produce a report for the Task Force that describes the
18 employment restrictions that are based on criminal records for
19 each occupation under the agency's jurisdiction and that of its
20 boards, if any, including, but not limited to, employment
21 within the agency; employment in facilities licensed,
22 regulated, supervised, or funded by the agency; employment
23 pursuant to contracts with the agency; and employment in
24 occupations that the agency licenses or provides
25 certifications to practice. For each occupation subject to a
26 criminal records-based restriction, the agency shall set forth

1 the following:

2 (1) the job title, occupation, job classification, or
3 restricted place of employment, including the range of
4 occupations affected in such places;

5 (2) the statute, regulation, policy, and procedure
6 that authorizes the restriction of applicants for
7 employment and licensure, current employees, and current
8 licenses;

9 (3) the substance and terms of the restriction, and

10 (A) if the statute, regulation, policy or practice
11 enumerates disqualifying offenses, a list of each
12 disqualifying offense, the time limits for each
13 offense, and the point in time when the time limit
14 begins;

15 (B) if the statute, regulation, policy or practice
16 does not enumerate disqualifying offenses and instead
17 provides for agency discretion in determining
18 disqualifying offenses, the criteria the agency has
19 adopted to apply the disqualification to individual
20 cases. Restrictions based on agency discretion
21 include, but are not limited to, restrictions based on
22 an offense "related to" the practice of a given
23 profession; an offense or act of "moral turpitude"; and
24 an offense evincing a lack of "good moral character".

25 (4) the procedures used by the agency to identify an
26 individual's criminal history, including but not limited

1 to disclosures on applications and background checks
2 conducted by law enforcement or private entities;

3 (5) the procedures used by the agency to determine and
4 review whether an individual's criminal history
5 disqualifies that individual;

6 (6) the year the restriction was adopted, and its
7 rationale;

8 (7) any exemption, waiver, or review mechanisms
9 available to seek relief from the disqualification based on
10 a showing of rehabilitation or otherwise, including the
11 terms of the mechanism, the nature of the relief it
12 affords, and whether an administrative and judicial appeal
13 is authorized;

14 (8) any statute, rule, policy and practice that
15 requires an individual convicted of a felony to have his
16 civil rights restored to become qualified for the job; and
17 9 copies of the following documents:

18 (A) forms, applications, and instructions provided
19 to applicants and those denied or terminated from jobs
20 or licenses based on their criminal record;

21 (B) forms, rules, and procedures that the agency
22 employs to provide notice of disqualification, to
23 review applications subject to disqualification, and
24 to provide for exemptions and appeals of
25 disqualification;

26 (C) memos, guidance, instructions to staff,

1 scoring criteria and other materials used by the agency
2 to evaluate the criminal histories of applicants,
3 licensees, and employees; and

4 (D) forms and notices used to explain waiver,
5 exemption and appeals procedures for denial,
6 suspensions and terminations of employment or
7 licensure based on criminal history.

8 (d) Each executive agency shall participate in a review to
9 determine the impact of the employment restrictions based on
10 criminal records and the effectiveness of existing
11 case-by-case review mechanisms. For each occupation under the
12 agency's jurisdiction for which there are employment
13 restrictions based on criminal records, each State agency must
14 provide the Task Force with a report, on or before November 1,
15 2009, for the previous 2-year period, setting forth:

16 (1) the total number of people currently employed in
17 the occupation whose employment or licensure required
18 criminal history disclosure, background checks or
19 restrictions;

20 (2) the number and percentage of individuals who
21 underwent a criminal history background check;

22 (3) the number and percentage of individuals who were
23 merely required to disclose their criminal history without
24 a criminal history background check;

25 (4) the number and percentage of individuals who were
26 found disqualified based on criminal history disclosure by

1 the applicant;

2 (5) the number and percentage of individuals who were
3 found disqualified based on a criminal history background
4 check;

5 (6) the number and percentage of individuals who sought
6 an exemption or waiver from the disqualification;

7 (7) the number and percentage of individuals who sought
8 an exemption or waiver who were subsequently granted the
9 exemption or waiver at the first level of agency review (if
10 multiple levels of review are available);

11 (8) the number and percentage of individuals who sought
12 an exemption or waiver who were subsequently granted the
13 exemption or waiver at the next level of agency review (if
14 multiple levels of review are available);

15 (9) the number and percentage of individuals who were
16 denied an exemption or waiver at the final level of agency
17 review, and then sought review through an administrative
18 appeal;

19 (10) the number and percentage of individuals who were
20 denied an exemption or waiver at the final level of agency
21 review, and then sought review through an administrative
22 appeal and were then found qualified after such a review;

23 (11) the number and percentage of individuals who were
24 found disqualified where no waiver or exemption process is
25 available;

26 (12) the number and percentage of individuals who were

1 found disqualified where no waiver or exemption process is
2 available and who sought administrative review and then
3 were found qualified; and

4 (13) if the agency maintains records of active licenses
5 or certifications, the executive agency shall provide the
6 total number of employees in occupations subject to
7 criminal history restrictions.

8 (e) The Task Force shall report its findings and
9 recommendations to the Governor and the General Assembly by
10 January 31, 2010.

11 Section 20. Act subject to appropriation. The provisions of
12 this Act are subject to an appropriation being made to the
13 Illinois Criminal Justice Information Authority to implement
14 this Act.

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