

1 AN ACT concerning State government.

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

4 Section 5. The Task Force on Inventorying Employment
5 Restrictions Act is amended by changing Sections 15 and 20 as
6 follows:

7 (20 ILCS 5000/15)

8 Sec. 15. Task Force.

9 (a) The Task Force on Inventorying Employment Restrictions
10 is hereby created in the Illinois Criminal Justice Information
11 Authority. The purpose of the Task Force is to review the
12 statutes, administrative rules, policies and practices that
13 restrict employment of persons with a criminal history, as set
14 out in subsection (c) of this Section, and to report to the
15 Governor and the General Assembly those employment
16 restrictions and their impact on employment opportunities for
17 people with criminal records.

18 (b) Within 60 days after the effective date of this Act,
19 the President of the Senate, the Speaker of the House of
20 Representatives, the Minority Leader of the Senate, and the
21 Minority Leader of the House of Representatives shall each
22 appoint 2 members to the Task Force. The Governor shall appoint
23 the Task Force chairperson. In addition, the Director or

1 Secretary of each of the following, or his or her designee, are
2 members: the Department of Human Services, the Department of
3 Corrections, the Department of Commerce and Economic
4 Opportunity, the Department of Children and Family Services,
5 the Department of Human Rights, the Department of Central
6 Management Services, the Department of Employment Security,
7 the Department of Public Health, the Department of State
8 Police, the Illinois State Board of Education, the Illinois
9 Board of Higher Education, and the Illinois Community College
10 Board. Members shall not receive compensation. The Illinois
11 Criminal Justice Information Authority shall provide staff and
12 other assistance to the Task Force.

13 (c) On or before September 1, 2010, all State agencies
14 shall produce a report for the Task Force that describes the
15 employment restrictions that are based on criminal records for
16 each occupation under the agency's jurisdiction and that of its
17 boards, if any, including, but not limited to, employment
18 within the agency; employment in facilities licensed,
19 regulated, supervised, or funded by the agency; employment
20 pursuant to contracts with the agency; and employment in
21 occupations that the agency licenses or provides
22 certifications to practice. For each occupation subject to a
23 criminal records-based restriction, the agency shall set forth
24 the following:

25 (1) the job title, occupation, job classification, or
26 restricted place of employment, including the range of

1 occupations affected in such places;

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

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

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

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

22 (4) the procedures used by the agency to identify an
23 individual's criminal history, including but not limited
24 to disclosures on applications and background checks
25 conducted by law enforcement or private entities;

26 (5) the procedures used by the agency to determine and

1 review whether an individual's criminal history
2 disqualifies that individual;

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

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

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

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

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

23 (C) memos, guidance, instructions to staff,
24 scoring criteria and other materials used by the agency
25 to evaluate the criminal histories of applicants,
26 licensees, and employees; and

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

5 (d) Each State ~~executive~~ agency shall participate in a
6 review to determine the impact of the employment restrictions
7 based on criminal records and the effectiveness of existing
8 case-by-case review mechanisms. For each occupation under the
9 agency's jurisdiction for which there are employment
10 restrictions based on criminal records, each State agency must
11 provide the Task Force with a report, on or before March 1,
12 2010 ~~November 1, 2009~~, for the previous 2-year period, setting
13 forth:

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

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

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

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

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

1 found disqualified based on a criminal history background
2 check;

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

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

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

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

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

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

24 (12) the number and percentage of individuals who were
25 found disqualified where no waiver or exemption process is
26 available and who sought administrative review and then

1 were found qualified; and

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

6 (e) The Task Force shall report its findings and
7 recommendations to the Governor and the General Assembly by
8 December 31, 2010.

9 (Source: P.A. 96-593, eff. 8-18-09.)

10 (20 ILCS 5000/20)

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

15 (Source: P.A. 96-593, eff. 8-18-09.)

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