



Rep. Constance A. Howard

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09600SB2109ham003

LRB096 11455 RLC 30570 a

1 AMENDMENT TO SENATE BILL 2109

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2109, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

8 (20 ILCS 5000/15)

9 Sec. 15. Task Force.

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

1 restrictions and their impact on employment opportunities for  
2 people with criminal records.

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

21 (c) On or before September 1, 2010, all State agencies  
22 shall produce a report for the Task Force that describes the  
23 employment restrictions that are based on criminal records for  
24 each occupation under the agency's jurisdiction and that of its  
25 boards, if any, including, but not limited to, employment  
26 within the agency; employment in facilities licensed,

1 regulated, supervised, or funded by the agency; employment  
2 pursuant to contracts with the agency; and employment in  
3 occupations that the agency licenses or provides  
4 certifications to practice. For each occupation subject to a  
5 criminal records-based restriction, the agency shall set forth  
6 the following:

7 (1) the job title, occupation, job classification, or  
8 restricted place of employment, including the range of  
9 occupations affected in such places;

10 (2) the statute, regulation, policy, and procedure  
11 that authorizes the restriction of applicants for  
12 employment and licensure, current employees, and current  
13 licenses;

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

15 (A) if the statute, regulation, policy or practice  
16 enumerates disqualifying offenses, a list of each  
17 disqualifying offense, the time limits for each  
18 offense, and the point in time when the time limit  
19 begins;

20 (B) if the statute, regulation, policy or practice  
21 does not enumerate disqualifying offenses and instead  
22 provides for agency discretion in determining  
23 disqualifying offenses, the criteria the agency has  
24 adopted to apply the disqualification to individual  
25 cases. Restrictions based on agency discretion  
26 include, but are not limited to, restrictions based on

1 an offense "related to" the practice of a given  
2 profession; an offense or act of "moral turpitude"; and  
3 an offense evincing a lack of "good moral character".

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

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

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

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

19 (8) any statute, rule, policy and practice that  
20 requires an individual convicted of a felony to have his  
21 civil rights restored to become qualified for the job; and  
22 9 copies of the following documents:

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

26 (B) forms, rules, and procedures that the agency

1 employs to provide notice of disqualification, to  
2 review applications subject to disqualification, and  
3 to provide for exemptions and appeals of  
4 disqualification;

5 (C) memos, guidance, instructions to staff,  
6 scoring criteria and other materials used by the agency  
7 to evaluate the criminal histories of applicants,  
8 licensees, and employees; and

9 (D) forms and notices used to explain waiver,  
10 exemption and appeals procedures for denial,  
11 suspensions and terminations of employment or  
12 licensure based on criminal history.

13 (d) Each State ~~executive~~ agency shall participate in a  
14 review to determine the impact of the employment restrictions  
15 based on criminal records and the effectiveness of existing  
16 case-by-case review mechanisms. For each occupation under the  
17 agency's jurisdiction for which there are employment  
18 restrictions based on criminal records, each State agency must  
19 provide the Task Force with a report, on or before March 1,  
20 2010 ~~November 1, 2009~~, for the previous 2-year period, setting  
21 forth:

22 (1) the total number of people currently employed in  
23 the occupation whose employment or licensure required  
24 criminal history disclosure, background checks or  
25 restrictions;

26 (2) the number and percentage of individuals who

1           underwent a criminal history background check;

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

5           (4) the number and percentage of individuals who were  
6 found disqualified based on criminal history disclosure by  
7 the applicant;

8           (5) the number and percentage of individuals who were  
9 found disqualified based on a criminal history background  
10 check;

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

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

17           (8) the number and percentage of individuals who sought  
18 an exemption or waiver who were subsequently granted the  
19 exemption or waiver at the next level of agency review (if  
20 multiple levels of review are available);

21           (9) the number and percentage of individuals who were  
22 denied an exemption or waiver at the final level of agency  
23 review, and then sought review through an administrative  
24 appeal;

25           (10) the number and percentage of individuals who were  
26 denied an exemption or waiver at the final level of agency

1 review, and then sought review through an administrative  
2 appeal and were then found qualified after such a review;

3 (11) the number and percentage of individuals who were  
4 found disqualified where no waiver or exemption process is  
5 available;

6 (12) the number and percentage of individuals who were  
7 found disqualified where no waiver or exemption process is  
8 available and who sought administrative review and then  
9 were found qualified; and

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

14 (e) The Task Force shall report its findings and  
15 recommendations to the Governor and the General Assembly by  
16 December 31, 2010.

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

18 (20 ILCS 5000/20)

19 Sec. 20. Act subject to available resources ~~appropriation~~.  
20 The provisions of this Act are subject to resources being made  
21 available ~~an appropriation being made~~ to the Illinois Criminal  
22 Justice Information Authority to implement this Act.

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

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".