



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3201

Introduced 2/24/2011, by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-103

from Ch. 68, par. 2-103

Amends the Illinois Human Rights Act. Provides that unless otherwise authorized by law, it is a civil rights violation for any employer, employment agency or labor organization to inquire into or to use the fact of a felony conviction that was entered more than 7 years earlier as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment. This Section does not prohibit a State agency, unit of local government or school district, or private organization from requesting or utilizing sealed felony conviction information obtained from the Department of State Police under State or federal laws or regulations that require criminal background checks in evaluating the qualifications and character of an employee or a prospective employee.

LRB097 07461 AJO 47570 b

1 AN ACT concerning human rights.

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

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Section 2-103 as follows:

6 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

7 Sec. 2-103. Arrest Record.

8 (A) Unless otherwise authorized by law, it is a civil
9 rights violation for any employer, employment agency or labor
10 organization to inquire into or to use the fact of an arrest or
11 criminal history record information ordered expunged, sealed
12 or impounded under Section 5.2 of the Criminal Identification
13 Act as a basis to refuse to hire, to segregate, or to act with
14 respect to recruitment, hiring, promotion, renewal of
15 employment, selection for training or apprenticeship,
16 discharge, discipline, tenure or terms, privileges or
17 conditions of employment. This Section does not prohibit a
18 State agency, unit of local government or school district, or
19 private organization from requesting or utilizing sealed
20 felony conviction information obtained from the Department of
21 State Police under the provisions of Section 3 of the Criminal
22 Identification Act or under other State or federal laws or
23 regulations that require criminal background checks in

1 evaluating the qualifications and character of an employee or a
2 prospective employee.

3 (B) The prohibition against the use of the fact of an
4 arrest contained in this Section shall not be construed to
5 prohibit an employer, employment agency, or labor organization
6 from obtaining or using other information which indicates that
7 a person actually engaged in the conduct for which he or she
8 was arrested.

9 (C) Unless otherwise authorized by law, it is a civil
10 rights violation for any employer, employment agency or labor
11 organization to inquire into or to use the fact of a felony
12 conviction that was entered more than 7 years earlier as a
13 basis to refuse to hire, to segregate, or to act with respect
14 to recruitment, hiring, promotion, renewal of employment,
15 selection for training or apprenticeship, discharge,
16 discipline, tenure or terms, privileges or conditions of
17 employment. This Section does not prohibit a State agency, unit
18 of local government or school district, or private organization
19 from requesting or utilizing sealed felony conviction
20 information obtained from the Department of State Police under
21 the provisions of Section 3 of the Criminal Identification Act
22 or under other State or federal laws or regulations that
23 require criminal background checks in evaluating the
24 qualifications and character of an employee or a prospective
25 employee.

26 (Source: P.A. 96-409, eff. 1-1-10.)