

1 AN ACT concerning criminal law.

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 Section 15 as follows:

6 (20 ILCS 5000/15)

7 Sec. 15. Task Force.

8 (a) The Task Force on Inventorying Employment Restrictions
9 is hereby created in the Illinois Criminal Justice Information
10 Authority. The purpose of the Task Force is to review the
11 statutes, administrative rules, policies and practices that
12 restrict employment of persons with a criminal history, as set
13 out in subsection (c) of this Section, and to report to the
14 Governor and the General Assembly those employment
15 restrictions and their impact on employment opportunities for
16 people with criminal records. The report shall also identify
17 any employment restrictions that are not reasonably related to
18 public safety.

19 (b) Within 60 days after the effective date of this
20 amendatory Act of the 97th General Assembly, the President of
21 the Senate, the Speaker of the House of Representatives, the
22 Minority Leader of the Senate, and the Minority Leader of the
23 House of Representatives shall each appoint 2 members of the

1 General Assembly to the Task Force. The term of office of any
2 member of the public appointed by the President of the Senate,
3 the Speaker of the House of Representatives, the Minority
4 Leader of the Senate, or the Minority Leader of the House of
5 Representatives serving on the effective date of this
6 amendatory Act of the 97th General Assembly shall end on that
7 date. The Governor shall appoint the Task Force chairperson. In
8 addition, the Director or Secretary of each of the following,
9 or his or her designee, are members: the Department of Human
10 Services, the Department of Corrections, the Department of
11 Commerce and Economic Opportunity, the Department of Children
12 and Family Services, the Department of Human Rights, the
13 Department of Central Management Services, the Department of
14 Employment Security, the Department of Public Health, the
15 Department of State Police, the Illinois State Board of
16 Education, the Illinois Board of Higher Education, the Illinois
17 Community College Board, and the Illinois Criminal Justice
18 Information Authority. Members shall not receive compensation.
19 The Illinois Criminal Justice Information Authority shall
20 provide staff and other assistance to the Task Force.

21 (c) On or before November 1, 2011, all State agencies shall
22 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 agency shall participate in a review to
14 determine the impact of the employment restrictions based on
15 criminal records and the effectiveness of existing
16 case-by-case review mechanisms. The information required under
17 this subsection (d) shall be limited to the data and
18 information in the possession of the State agency on the
19 effective date of this amendatory Act of the 97th General
20 Assembly. With respect to compliance with the requirements of
21 this subsection (d), a State agency is under no obligation to
22 collect additional data or information. For each occupation
23 under the agency's jurisdiction for which there are employment
24 restrictions based on criminal records, each State agency must
25 provide the Task Force with a report, on or before February 1,
26 2012, for the previous 2-year period, setting forth:

1 (1) the total number of people currently employed in
2 the occupation whose employment or licensure required
3 criminal history disclosure, background checks or
4 restrictions;

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

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

10 (4) the number and percentage of individuals who were
11 found disqualified based on criminal history disclosure by
12 the applicant;

13 (5) the number and percentage of individuals who were
14 found disqualified based on a criminal history background
15 check;

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

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

22 (8) the number and percentage of individuals who sought
23 an exemption or waiver who were subsequently granted the
24 exemption or waiver at the next level of agency review (if
25 multiple levels of review are available);

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

1 denied an exemption or waiver at the final level of agency
2 review, and then sought review through an administrative
3 appeal;

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

8 (11) the number and percentage of individuals who were
9 found disqualified where no waiver or exemption process is
10 available;

11 (12) the number and percentage of individuals who were
12 found disqualified where no waiver or exemption process is
13 available and who sought administrative review and then
14 were found qualified; and

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

19 (e) (Blank).

20 (f) The Task Force shall report to the Governor and the
21 General Assembly its findings, including recommendations as to
22 any employment restrictions that are not reasonably related to
23 public safety, by July 1, 2013 ~~September 1, 2012~~.

24 (Source: P.A. 96-593, eff. 8-18-09; 96-1360, eff. 7-28-10;
25 97-501, eff. 8-23-11.)

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

1 becoming law.