



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3005

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

New Act

Creates the Employee Background Check Act. Provides that employers may not conduct criminal history inquiries with respect to a candidate for employment until after the employer has received an application from and interviewed the candidate. Provides an exemption to permit background checks when a candidate's criminal history is an essential factor in the hiring decision. Permits questions concerning convictions during interviews. Authorizes a private right of action to remedy violations.

LRB098 05349 JLS 41637 b

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
5 Employee Background Check Act.

6 Section 5. Definitions. As use in this Act:

7 "Background check" means a pre-application criminal
8 history inquiry.

9 "Candidate" means any person considered by an employer when
10 identifying potential employees including, but not limited to,
11 persons who ask to be considered for employment or who request
12 information from an employer regarding potential employment.

13 "Employer" means any entity that employs one or more
14 persons.

15 "Employment" means any occupation or vocation.

16 Section 10. Background check permitted.

17 (a) An employer may conduct or have conducted on its behalf
18 a background check on a candidate for employment only after the
19 employer has received an application from and interviewed the
20 candidate for employment.

21 (b) The limitation on the utilization of background checks
22 set forth in subsection (a) of this Section does not apply to,

1 nor limit, the conducting of background checks by or on behalf
2 of an employer if a candidate's criminal history is an
3 essential factor in any hiring decision for a position for
4 which criminal history of the applicant is of such sensitivity
5 that a background check is warranted.

6 (c) This Section does not prohibit an employer from asking
7 a candidate about criminal convictions during an interview.

8 Section 15. Remedy.

9 (a) A candidate may apply to the circuit court for issuance
10 of an injunction to enforce compliance with this Act.

11 (b) A candidate may recover actual damages, reasonable
12 attorney's fees, costs, and reasonable expenses of litigation
13 from an employer who violates this Act.