

HB3722



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3722

by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

New Act

Creates the Criminal History in Public Hiring Act. Provides that all State agencies, boards, and commissions under the jurisdiction of the Governor or any other executive branch officer must request the conviction information of all applicants. Requires all applicants for employment to authorize the release of that information. Provides criteria for the use of criminal history information in hiring. Defines "conviction information". Effective immediately.

LRB098 14493 HLH 49231 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 1. Short title. This Act shall be known and may be
5 cited as the Criminal History in Public Hiring Act.

6 Section 3. Legislative intent. It is the intent of the
7 General Assembly to supersede Administrative Order 1 (2013).

8 Section 5. Criminal background checks; State employment.
9 Notwithstanding any provision of law to the contrary:

10 (a) All State agencies, boards, and commissions under the
11 jurisdiction of the Governor or any other executive branch
12 officer must request the conviction information of all
13 applicants for employment with that agency, board, or
14 commission, regardless of whether the position is subject to
15 the Personnel Code.

16 (b) All applications for employment with an agency, board,
17 or commission described in subsection (a), including but not
18 limited to applications used by the Bureau of Personnel of the
19 Department of Central Management Services, and without regard
20 to whether those applications are paper, electronic, or in any
21 other form, shall expressly request the applicant's conviction
22 information.

1 (c) All applicants for employment must authorize the
2 release of that conviction information by executing a release
3 on a form provided by the State agency, board, or commission.
4 The form shall inform the applicant that the execution of the
5 release is required by law for the consideration of his or her
6 application for employment.

7 (d) Prior to making any offer of employment, all State
8 agencies, boards, and commissions described in subsection (a)
9 must obtain the applicant's conviction information. The State
10 agency, board, or commission may not make any offer of
11 employment to an applicant if: (1) State or federal law
12 prohibits hiring an individual with specified criminal
13 convictions for the particular position sought; (2) the
14 applicant has been convicted of a crime that is reasonably
15 related to the particular position sought; or (3) the
16 employment of an individual with that criminal history is
17 inconsistent with the duty of the State to protect the safety
18 of its citizens and to secure their resources from abuse and
19 misuse.

20 (e) As used in this Act, "conviction information" has the
21 meaning ascribed to that term in the Illinois Uniform
22 Conviction Information Act. However, for the purposes of this
23 Act, "conviction information" does not include any conviction,
24 plea of guilty, or arrest that has been expunged, sealed, or
25 impounded under the Criminal Identification Act.

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

1 becoming law.