



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3405

Introduced 2/22/2021, by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

New Act

Creates the Limitations on Actions for Negligent Hiring Act. Provides that an action may not be brought against a party solely for hiring an employee or independent contractor who has been convicted of a nonviolent, nonsexual offense. Provides that in a negligent hiring action for the acts of an employee or independent contractor, the fact that the employee or independent contractor was convicted of a nonviolent, nonsexual offense before the beginning of the employee's or independent contractor's employment or contractual obligation may not be introduced into evidence. Provides that the new provisions do not preclude the filing of an action based upon any existing cause of action for failure of an employer or other person to provide adequate supervision of an employee or independent contractor, except that the fact that the employee or independent contractor has been convicted of a nonviolent, nonsexual criminal offense may be introduced into evidence in the suit only if: (1) the employer knew of the conviction or was grossly negligent in not knowing of the conviction; and (2) the conviction was directly related to the nature of the employee's or independent contractor's work and the conduct that gave rise to the alleged injury that is the basis of the suit. Provides exceptions in certain situations.

LRB102 14951 LNS 20306 b

1 AN ACT concerning civil law.

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 Limitations on Actions for Negligent Hiring Act.

6 Section 5. Hiring employee or independent contractor
7 convicted of a nonviolent, nonsexual offense.

8 (a) An action may not be brought against an employer,
9 general contractor, premises owner, or other third party
10 solely for hiring an employee or independent contractor who
11 has been convicted of a nonviolent, nonsexual offense.

12 (b) In a negligent hiring action against an employer,
13 general contractor, premises owner, or other third party for
14 the acts of an employee or independent contractor that is
15 based on a theory of liability other than that described by
16 subsection (a), the fact that the employee or independent
17 contractor was convicted of a nonviolent, nonsexual offense
18 before the beginning of the employee's or independent
19 contractor's employment or contractual obligation with the
20 employer, general contractor, premises owner, or other third
21 party, as applicable, may not be introduced into evidence.

22 (c) This Section does not preclude the filing of an action
23 based upon any existing cause of action for failure of an

1 employer or other person to provide adequate supervision of an
2 employee or independent contractor, except that the fact that
3 the employee or independent contractor has been convicted of a
4 nonviolent, nonsexual criminal offense may be introduced into
5 evidence in the suit only if:

6 (1) the employer knew of the conviction or was grossly
7 negligent in not knowing of the conviction; and

8 (2) the conviction was directly related to the nature
9 of the employee's or independent contractor's work and the
10 conduct that gave rise to the alleged injury that is the
11 basis of the suit.

12 (d) The protections provided to an employer, general
13 contractor, premises owner, or third party under this Section
14 do not apply in a suit concerning:

15 (1) the misuse of funds or property of a person other
16 than the employer, general contractor, premises owner, or
17 third party, by an employee or independent contractor, if,
18 on the date the employee or independent contractor was
19 hired, the employee or independent contractor had been
20 convicted of a crime that includes fraud or the misuse of
21 funds or property as an element of the offense, and it was
22 foreseeable that the position for which the employee or
23 independent contractor was hired would involve discharging
24 a fiduciary responsibility in the management of funds or
25 property;

26 (2) the misappropriation of funds by an employee or

1 independent contractor, if the employee or independent
2 contractor was hired as an attorney and, on the date the
3 employee or independent contractor was hired, the employee
4 or independent contractor had been convicted of a crime
5 that includes fraud or the misuse of funds or property as
6 an element of the offense; or

7 (3) a violent offense or an improper use of excessive
8 force by an employee or independent contractor, if the
9 employee or independent contractor was hired to serve as a
10 law enforcement officer or security guard.