



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB5390

Introduced 2/5/2010, by Rep. Constance A. Howard

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-103

from Ch. 68, par. 2-103

Amends the Illinois Human Rights Act. Makes it a civil rights violation for an employer, employment agency, or labor organization to inquire into or to use the fact of a felony conviction 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 if more than 10 years have elapsed since the person was convicted of the felony (if the person was sentenced to probation or conditional discharge rather than a term of imprisonment) or the person was released from incarceration for the felony (without regard to any period of parole or mandatory supervised release). Provides that the new provisions do not prohibit a State agency, unit of local government or school district, or private organization from requesting or using unsealed felony conviction information 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, nor do the new provisions prohibit an employer, employment agency, or labor organization from obtaining or using other information indicating that a person actually engaged in the conduct for which he or she was convicted.

LRB096 19359 AJO 34750 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. Records of Certain Convictions and Arrests
8 ~~Arrest Record.~~

9 (A) 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 an arrest or
12 criminal history record information ordered expunged, sealed
13 or impounded under Section 5.2 of the Criminal Identification
14 Act as a basis to refuse to hire, to segregate, or to act with
15 respect to recruitment, hiring, promotion, renewal of
16 employment, selection for training or apprenticeship,
17 discharge, discipline, tenure or terms, privileges or
18 conditions of employment.

19 (A-5) Unless otherwise authorized by law, it is a civil
20 rights violation for any employer, employment agency, or labor
21 organization to inquire into or to use the fact of a felony
22 conviction as a basis to refuse to hire, to segregate, or to
23 act with respect to recruitment, hiring, promotion, renewal of

1 employment, selection for training or apprenticeship,
2 discharge, discipline, tenure or terms, privileges or
3 conditions of employment if:

4 (1) more than 10 years have elapsed since the person
5 was convicted of the felony, if the person was sentenced to
6 probation or conditional discharge rather than a term of
7 imprisonment; or

8 (2) more than 10 years have elapsed since the person
9 was released from incarceration for the felony, without
10 regard to any period of parole or mandatory supervised
11 release.

12 (A-10) This Section does not prohibit a State agency, unit
13 of local government or school district, or private organization
14 from requesting or utilizing sealed felony conviction
15 information obtained from the Department of State Police under
16 the provisions of Section 3 of the Criminal Identification Act
17 or under other State or federal laws or regulations that
18 require criminal background checks in evaluating the
19 qualifications and character of an employee or a prospective
20 employee, nor does this Section prohibit a State agency, unit
21 of local government or school district, or private organization
22 from requesting or using unsealed felony conviction
23 information under State or federal laws or regulations that
24 require criminal background checks in evaluating the
25 qualifications and character of an employee or a prospective
26 employee.

1 (B) The prohibitions ~~prohibition~~ against the use of the
2 fact of a felony conviction under the circumstances described
3 in subsection (A-5) and the fact of an arrest contained in this
4 Section shall not be construed to prohibit an employer,
5 employment agency, or labor organization from obtaining or
6 using other information which indicates that a person actually
7 engaged in the conduct for which he or she was convicted or
8 arrested.

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