



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1657

Introduced 2/19/2009, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-103

from Ch. 68, par. 2-103

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for any employer, employment agency, or labor organization to inquire into or use the fact of an arrest that did not result in a conviction, the fact of a criminal charge that did not result in a conviction, or criminal history record information ordered expunged, sealed or impounded under the Criminal Identification Act 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 (rather than the fact of an arrest or criminal history record information). Also provides that the prohibition against the use of the fact of an arrest or the fact of a criminal charge shall not be construed to prohibit an employer, employment agency, or labor organization from obtaining or using other information which indicates that a person actually engaged in the conduct for which he or she was arrested.

LRB096 08567 KTG 18690 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. Arrest Record.

8 (A) Unless otherwise authorized by law, it is a civil
9 rights violation for any employer, employment agency or labor
10 organization to inquire into or to use (1) the fact of an
11 arrest that did not result in a conviction, (2) the fact of a
12 criminal charge that did not result in a conviction, or (3)
13 criminal history record information ordered expunged, sealed
14 or impounded under Section 5 of the Criminal Identification Act
15 as a basis to refuse to hire, to segregate, or to act with
16 respect to recruitment, hiring, promotion, renewal of
17 employment, selection for training or apprenticeship,
18 discharge, discipline, tenure or terms, privileges or
19 conditions of employment. This Section does not prohibit a
20 State agency, unit of local government or school district, or
21 private organization from requesting or utilizing sealed
22 felony conviction information obtained from the Department of
23 State Police under the provisions of Section 3 of the Criminal

1 Identification Act or under other State or federal laws or
2 regulations that require criminal background checks in
3 evaluating the qualifications and character of an employee or a
4 prospective employee.

5 (B) The prohibition against the use of the fact of an
6 arrest or the fact of a criminal charge contained in this
7 Section shall not be construed to prohibit an employer,
8 employment agency, or labor organization from obtaining or
9 using other information which indicates that a person actually
10 engaged in the conduct for which he or she was arrested.

11 (Source: P.A. 93-1084, eff. 6-1-05.)