



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5721

Introduced 2/16/2012, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

New Act

Creates the State Employment Application Act. Provides that an application for State employment may not contain any question as to whether the applicant was convicted of or placed on supervision for a non-violent criminal offense but must contain a question as to whether the applicant for State employment has ever been convicted of a violent offense that is classified as a felony. Provides that nothing in the Act shall be construed to prohibit a State agency from conducting a criminal background check of an applicant for State employment. Provides that if a federal or State law disqualifies a person convicted of certain offenses from holding a position, an application for that position may inquire as to whether the applicant has been convicted of a disqualifying offense. Provides that if an applicant is applying for a position of peace officer, an application for that position may inquire as to whether the applicant has been convicted of a disqualifying offense. Provides that nothing in the Act prohibits a decision to refuse to hire on the basis that the applicant has been convicted of a criminal offense. Effective immediately.

LRB097 15992 AEK 61143 b

1 AN ACT concerning State 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 State
5 Employment Application Act.

6 Section 5. Definition. In this Act:

7 "Application for State employment" means a written or
8 electronic form submitted by an applicant who is seeking
9 employment with a State agency.

10 "Violent offense" means an offense that is a violent crime
11 as defined in the Rights of Crime Victims and Witnesses Act.

12 "State agency" has the meaning ascribed to it in Section
13 1-7 of the Illinois State Auditing Act.

14 Section 10. State employment application; required
15 question. Subject to the exception set out in Section 20 of
16 this Act, an application for State employment may not contain
17 any question as to whether the applicant was convicted of or
18 placed on supervision for a non-violent criminal offense but
19 must contain a question as to whether the applicant for State
20 employment has ever been convicted of a violent offense that is
21 classified as a felony.

1 Section 15. Criminal background checks permitted. Nothing
2 in this Act shall be construed to prohibit a State agency from
3 conducting a criminal background check of an applicant for
4 State employment.

5 Section 20. Application of federal or State law. If a
6 federal or State law disqualifies a person convicted of certain
7 offenses from holding a position, an application for that
8 position may inquire as to whether the applicant has been
9 convicted of a disqualifying offense. If an applicant is
10 applying for a position of peace officer as defined in Section
11 2-13 of the Criminal Code of 1961, an application for that
12 position may inquire as to whether the applicant has been
13 convicted of a disqualifying offense.

14 Section 25. Refusal to hire for conviction of a criminal
15 offense. Nothing in this Act prohibits a decision to refuse to
16 hire on the basis that the applicant has been convicted of a
17 criminal offense.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.