



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB6315

Introduced 2/11/2016, by Rep. Jehan A. Gordon-Booth

#### SYNOPSIS AS INTRODUCED:

New Act  
20 ILCS 5000/Act rep.

Creates the Task Force on Inventorying Employment Restrictions Act of 2016. Reconstitutes the Task Force on Inventorying Employment Restrictions in the Illinois Criminal Justice Information Authority. Provides that for each occupation under specified State agency jurisdiction for which there are employment restrictions based on criminal records, each State agency must provide the Task Force with a report, on or before November 1, 2016 and each even-numbered year thereafter, for the previous 2-year period, setting forth certain information concerning job titles, the statutory or regulatory authority for the restrictions, and other information required by the Act. Provides that on or before September 1, 2017 and each subsequent odd-numbered year, all State agencies shall produce a report for the Task Force that describes the employment restrictions that are based on criminal records for each occupation under the agency's jurisdiction and that of its boards, if any. Provides that the Task Force shall report to the Governor and the General Assembly its findings, including recommendations as to any employment restrictions that are not reasonably related to public safety, before January 1 of each even-numbered year beginning in 2018. Repeals the Task Force on Inventorying Employment Restrictions Act. Deletes provisions from this Act that were in the previous Act that stated that the provisions of the Act are subject to resources being made available to the Illinois Criminal Justice Information Authority to implement the Act. Effective immediately.

LRB099 19333 RLC 43725 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning 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 Task  
5 Force on Inventorying Employment Restrictions Act of 2016.

6 Section 5. Purpose. The General Assembly finds and  
7 declares that:

8 (1) public safety dictates the adoption of employment  
9 restrictions to protect vulnerable populations, to prevent the  
10 risk of loss and liability, and to minimize the likelihood of  
11 harm to the public, fellow employees and customers;

12 (2) gainful employment after release from prison is one of  
13 the critical elements necessary to achieve successful reentry  
14 after prison and that employment has been shown to reduce  
15 recidivism;

16 (3) to make our communities safer, public safety also  
17 requires that employment opportunities not be so restricted  
18 that people with criminal records are unable to engage in  
19 gainful employment;

20 (4) many State laws and policies impose restrictions on the  
21 employment of persons with criminal records including State  
22 government jobs, jobs in State-licensed, regulated and funded  
23 entities, and jobs requiring State certification;

1 (5) no comprehensive review of these restrictions has been  
2 undertaken to evaluate whether the restrictions are  
3 substantially related to the safety, trust and responsibility  
4 required of the job or to the goal of furthering public safety;

5 (6) a less restrictive approach is preferred if it both  
6 furthers public safety and preserves employment opportunities;  
7 and

8 (7) the State's agencies, boards, and commissions can  
9 assume a leadership role in providing employment opportunities  
10 to people with criminal records by reviewing their employment  
11 policies and practices and identifying barriers to employment  
12 that can safely be removed to enable people with criminal  
13 records to demonstrate their rehabilitation.

14 Section 10. Definitions. As used in this Act: "State  
15 agencies" means the following State agencies, boards, and  
16 commissions: Department on Aging, Department of Agriculture,  
17 Office of Appellate Defender, Office of the State's Attorneys  
18 Appellate Prosecutor, Illinois Arts Council, Office of the  
19 Attorney General, Auditor General, Capital Development Board,  
20 Department of Central Management Services, Department of  
21 Children and Family Services, Civil Service Commission,  
22 Illinois Department of Commerce and Economic Opportunity,  
23 Illinois Commerce Commission, Illinois Community College  
24 Board, State of Illinois Comprehensive Health Insurance Plan,  
25 Office of the Comptroller, Department of Corrections, Criminal

1 Justice Information Authority, Illinois Council on  
2 Developmental Disabilities, Illinois Deaf and Hard of Hearing  
3 Commission, Commission on Discrimination and Hate Crimes,  
4 State Board of Education, Illinois Educational Labor Relations  
5 Board, State Board of Elections, Illinois Emergency Management  
6 Agency, Department of Employment Security, Environmental  
7 Protection Agency, Illinois State Fair, Illinois Finance  
8 Authority, Department of Financial and Professional  
9 Regulation, Office of the First Lady, Illinois Gaming Board,  
10 Office of the Governor, Guardianship and Advocacy Commission,  
11 Department of Healthcare and Family Services, Board of Higher  
12 Education, Historic Preservation Agency, Illinois Housing  
13 Development Authority, Illinois Human Rights Commission,  
14 Department of Human Rights, Department of Human Services,  
15 Illinois State Board of Investment, Department of Juvenile  
16 Justice, Office of the Lieutenant Governor, Department of  
17 Labor, Illinois Labor Relations Board, Illinois Law  
18 Enforcement Training Standards Board, Illinois Liquor Control  
19 Commission, Illinois Lottery, Governor's Office of Management  
20 and Budget, Illinois Medical District Commission, Department  
21 of Military Affairs, Department of Natural Resources,  
22 Pollution Control Board, Prairie State 2000 Authority,  
23 Property Tax Appeal Board, Department of Public Health,  
24 Illinois Prisoner Review Board, Illinois Racing Board,  
25 Department of Revenue, Office of the Secretary of State, State  
26 Fire Marshal, Illinois State Police, State Police Merit Board,

1 State Retirement Systems, Office of the State Treasurer, State  
2 Universities Civil Service System, State Universities  
3 Retirement System, Illinois Student Assistance Commission,  
4 Illinois Supreme Court, Illinois Teachers' Retirement System,  
5 Illinois State Toll Highway Authority, Department of  
6 Transportation, Department of Veterans Affairs', Governor's  
7 Office of Women's Affairs, and Illinois Workers' Compensation  
8 Commission.

9 Section 15. Task Force.

10 (a) The Task Force on Inventorying Employment Restrictions  
11 is hereby created in the Illinois Criminal Justice Information  
12 Authority. The purpose of the Task Force is to review the  
13 statutes, administrative rules, policies and practices that  
14 restrict employment of persons with a criminal history, as set  
15 out in subsection (c) of this Section, and to report to the  
16 Governor and the General Assembly those employment  
17 restrictions and their impact on employment opportunities for  
18 people with criminal records. The report shall also identify  
19 any employment restrictions that are not reasonably related to  
20 public safety.

21 (b) Within 60 days after the effective date of this Act,  
22 the President of the Senate, the Speaker of the House of  
23 Representatives, the Minority Leader of the Senate, and the  
24 Minority Leader of the House of Representatives shall each  
25 appoint 2 members of the General Assembly to the Task Force.

1 The term of office of any member of the public appointed by the  
2 President of the Senate, the Speaker of the House of  
3 Representatives, the Minority Leader of the Senate, or the  
4 Minority Leader of the House of Representatives serving on the  
5 effective date of this Act shall end on that date. The Governor  
6 shall appoint the Task Force chairperson. In addition, the  
7 Director or Secretary of each of the following, or his or her  
8 designee, are members: the Department of Human Services, the  
9 Department of Corrections, the Department of Commerce and  
10 Economic Opportunity, the Department of Children and Family  
11 Services, the Department of Human Rights, the Department of  
12 Central Management Services, the Department of Employment  
13 Security, the Department of Public Health, the Department of  
14 State Police, the Illinois State Board of Education, the  
15 Illinois Board of Higher Education, the Illinois Community  
16 College Board, and the Illinois Criminal Justice Information  
17 Authority. Members shall not receive compensation. The  
18 Illinois Criminal Justice Information Authority shall provide  
19 staff and other assistance to the Task Force.

20 (c) On or before September 1, 2017 and each subsequent  
21 odd-numbered year, all State agencies shall produce a report  
22 for the Task Force that describes the employment restrictions  
23 that are based on criminal records for each occupation under  
24 the agency's jurisdiction and that of its boards, if any,  
25 including, but not limited to, employment within the agency;  
26 employment in facilities licensed, regulated, supervised, or

1 funded by the agency; employment under contracts with the  
2 agency; and employment in occupations that the agency licenses  
3 or provides certifications to practice. For each occupation  
4 subject to a criminal records-based restriction, the agency  
5 shall set forth the following:

6 (1) the job title, occupation, job classification, or  
7 restricted place of employment, including the range of  
8 occupations affected in such places;

9 (2) the statute, regulation, policy, and procedure  
10 that authorizes the restriction of applicants for  
11 employment and licensure, current employees, and current  
12 licenses;

13 (3) the substance and terms of the restriction, and:

14 (A) if the statute, regulation, policy or practice  
15 enumerates disqualifying offenses, a list of each  
16 disqualifying offense, the time limits for each  
17 offense, and the point in time when the time limit  
18 begins;

19 (B) if the statute, regulation, policy or practice  
20 does not enumerate disqualifying offenses and instead  
21 provides for agency discretion in determining  
22 disqualifying offenses, the criteria the agency has  
23 adopted to apply the disqualification to individual  
24 cases. Restrictions based on agency discretion  
25 include, but are not limited to, restrictions based on  
26 an offense "related to" the practice of a given

1 profession; an offense or act of "moral turpitude"; and  
2 an offense evincing a lack of "good moral character";

3 (4) the procedures used by the agency to identify an  
4 individual's criminal history, including but not limited  
5 to disclosures on applications and background checks  
6 conducted by law enforcement or private entities;

7 (5) the procedures used by the agency to determine and  
8 review whether an individual's criminal history  
9 disqualifies that individual;

10 (6) the year the restriction was adopted, and its  
11 rationale;

12 (7) any exemption, waiver, or review mechanisms  
13 available to seek relief from the disqualification based on  
14 a showing of rehabilitation or otherwise, including the  
15 terms of the mechanism, the nature of the relief it  
16 affords, and whether an administrative and judicial appeal  
17 is authorized; and

18 (8) any statute, rule, policy and practice that  
19 requires an individual convicted of a felony to have his  
20 civil rights restored to become qualified for the job; and  
21 9 copies of the following documents:

22 (A) forms, applications, and instructions provided  
23 to applicants and those denied or terminated from jobs  
24 or licenses based on their criminal record;

25 (B) forms, rules, and procedures that the agency  
26 employs to provide notice of disqualification, to



1 review applications subject to disqualification, and  
2 to provide for exemptions and appeals of  
3 disqualification;

4 (C) memos, guidance, instructions to staff,  
5 scoring criteria and other materials used by the agency  
6 to evaluate the criminal histories of applicants,  
7 licensees, and employees; and

8 (D) forms and notices used to explain waiver,  
9 exemption and appeals procedures for denial,  
10 suspensions and terminations of employment or  
11 licensure based on criminal history.

12 (d) Each State agency shall participate in a review to  
13 determine the impact of the employment restrictions based on  
14 criminal records and the effectiveness of existing  
15 case-by-case review mechanisms. The information required under  
16 this subsection (d) shall be limited to the data and  
17 information in the possession of the State agency on the  
18 effective date of this Act. With respect to compliance with the  
19 requirements of this subsection (d), a State agency is under no  
20 obligation to collect additional data or information. For each  
21 occupation under the agency's jurisdiction for which there are  
22 employment restrictions based on criminal records, each State  
23 agency must provide the Task Force with a report, on or before  
24 November 1, 2016 and each even-numbered year thereafter, for  
25 the previous 2-year period, setting forth:

26 (1) the total number of people currently employed in

1 the occupation whose employment or licensure required  
2 criminal history disclosure, background checks or  
3 restrictions;

4 (2) the number and percentage of individuals who  
5 underwent a criminal history background check;

6 (3) the number and percentage of individuals who were  
7 merely required to disclose their criminal history without  
8 a criminal history background check;

9 (4) the number and percentage of individuals who were  
10 found disqualified based on criminal history disclosure by  
11 the applicant;

12 (5) the number and percentage of individuals who were  
13 found disqualified based on a criminal history background  
14 check;

15 (6) the number and percentage of individuals who sought  
16 an exemption or waiver from the disqualification;

17 (7) the number and percentage of individuals who sought  
18 an exemption or waiver who were subsequently granted the  
19 exemption or waiver at the first level of agency review (if  
20 multiple levels of review are available);

21 (8) the number and percentage of individuals who sought  
22 an exemption or waiver who were subsequently granted the  
23 exemption or waiver at the next level of agency review (if  
24 multiple levels of review are available);

25 (9) the number and percentage of individuals who were  
26 denied an exemption or waiver at the final level of agency

1 review, and then sought review through an administrative  
2 appeal;

3 (10) the number and percentage of individuals who were  
4 denied an exemption or waiver at the final level of agency  
5 review, and then sought review through an administrative  
6 appeal and were then found qualified after such a review;

7 (11) the number and percentage of individuals who were  
8 found disqualified where no waiver or exemption process is  
9 available;

10 (12) the number and percentage of individuals who were  
11 found disqualified where no waiver or exemption process is  
12 available and who sought administrative review and then  
13 were found qualified; and

14 (13) if the agency maintains records of active licenses  
15 or certifications, the executive agency shall provide the  
16 total number of employees in occupations subject to  
17 criminal history restrictions.

18 (e) The Task Force shall report to the Governor and the  
19 General Assembly its findings, including recommendations as to  
20 any employment restrictions that are not reasonably related to  
21 public safety, before January 1 of each even-numbered year  
22 beginning in 2018.

23 (20 ILCS 5000/Act rep.)

24 Section 97. The Task Force on Inventorying Employment  
25 Restrictions Act is repealed.

1           Section 99. Effective date. This Act takes effect upon  
2           becoming law.