



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB2848**

by Rep. Kelly M. Cassidy

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Criminal History in College Applications Act. Defines terms. Provides that a college may not inquire about or consider an applicant's criminal history information at any time during the admission decision-making process, except as required by federal law or specified provisions of the Department of State Police Law of the Civil Administrative Code of Illinois or the Medical School Matriculant Criminal History Records Check Act, if applicable. Allows a college to use a multi-institution application, even if the application inquires about criminal history, but requires the college to disregard the information for the admission process. Allows a college to inquire about criminal history for certain purposes after the admission decision-making process, but forbids a college from rescinding an admission offer based on the information. Authorizes a college to provide certain information. Effective immediately.

LRB101 10486 AXK 55592 b

1 AN ACT concerning education.

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 Criminal History in College Applications Act.

6 Section 5. Definitions. In this Act:

7 "Admission decision-making process" means the submission  
8 of a college application and all aspects of the college  
9 application process through admission.

10 "Applicant" means an individual who is seeking admission to  
11 a college.

12 "College" means any public or private institution of higher  
13 education authorized to confer degrees by the Board of Higher  
14 Education, including a college or university, professional  
15 school, or technical school.

16 "Criminal history information" means any record regarding  
17 an applicant's criminal history, including, but not limited to,  
18 records of (1) arrests and detentions, (2) criminal charges or  
19 indictments and the nature of any disposition arising therefrom  
20 that does not result in a conviction, and (3) convictions.

21 Section 10. Inquiry about and consideration of criminal  
22 history information during the admission process.

1           (a) A college may not inquire about or consider an  
2 applicant's criminal history information at any time during the  
3 admission decision-making process.

4           (b) Notwithstanding the provisions of subsection (a) of  
5 this Section, a college may make inquiry about or consider an  
6 applicant's criminal history information if such inquiry or  
7 consideration is required by federal law or pursuant to Section  
8 2605-327 of the Department of State Police Law of the Civil  
9 Administrative Code of Illinois or Section 10, 15, or 20 of the  
10 Medical School Matriculant Criminal History Records Check Act,  
11 if applicable. Any inquiry or consideration shall be limited to  
12 that which is necessary to comply with the applicable State or  
13 federal law. Inquiry about or consideration of criminal history  
14 information outside the scope of that required by applicable  
15 State or federal law is prohibited.

16           Section 15. Multi-institution applications.

17           (a) Notwithstanding the provisions of Section 10 of this  
18 Act, a college may use an application for admission that  
19 inquires about an applicant's criminal history if (1) that  
20 application is administered by a third-party vendor and (2) the  
21 application allows applicants to apply for admission at  
22 multiple institutions simultaneously.

23           (b) A college that elects to use a multi-institution  
24 application as described in subsection (a) of this Section may  
25 not consider any criminal history information provided on the

1 multi-institution application at any point during the  
2 admission decision-making process and may not make any further  
3 inquiries about an applicant's criminal history information  
4 during the admission decision-making process. If State or  
5 federal law requires inquiry or consideration of an applicant's  
6 criminal history information, any consideration of that  
7 criminal history information shall be limited to that which is  
8 necessary to comply with applicable State or federal law, as  
9 set forth in Section 10 of this Act.

10 (c) Except when inquiry or consideration of criminal  
11 history information is required by State or federal law, a  
12 college that elects to use a multi-institution application that  
13 inquires into criminal history information pursuant to  
14 subsection (a) of this Section shall publish a statement,  
15 prominently displayed on all of the college's admission  
16 materials and its admission website, that informs applicants  
17 that (1) the college is prohibited from considering an  
18 applicant's criminal history information pursuant to Illinois  
19 law and (2) an applicant using the multi-institution  
20 application will not be penalized for failing to answer  
21 questions about his or her criminal history information.

22 Section 20. Permitted inquiries.

23 (a) After an individual has been admitted as a student, a  
24 college may, but is not required to, make inquiries about and  
25 consider an individual's criminal history information for the

1 purposes of offering the individual counseling, services, or  
2 other guidance.

3 (b) After an individual has been admitted as a student and  
4 subject to any applicable federal or State law or local  
5 ordinance, a college may, but is not required to, make  
6 inquiries about or consider an individual's past criminal  
7 conviction history for the purposes of making decisions about  
8 participation in activities and aspects of campus life  
9 associated with the individual's status as a student,  
10 including, but not limited to, housing. At no time may a  
11 college inquire about criminal history information that is  
12 sealed or expunged or that did not result in conviction,  
13 including inquiring about any arrests or detentions or any  
14 criminal charges and the nature of any disposition arising  
15 therefrom that does not result in a conviction.

16 (c) A college may not use the information gathered in  
17 making an inquiry under this Section to rescind an offer of  
18 admission.

19 Section 25. Information about educational, licensing, or  
20 employment barriers for people with criminal records. A college  
21 may include information on its admission materials and website  
22 that informs prospective applicants that a criminal record may  
23 affect an individual's ability to obtain certain professional  
24 or occupational licenses or types of employment or to  
25 participate in certain clinical or other educational

1 requirements. A college may provide a contact for applicants or  
2 prospective applicants to ask questions and seek advice about  
3 any restrictions they may face due to a criminal record. Any  
4 information obtained by a college pursuant to this Section may  
5 not be considered during the admission decision-making process  
6 and its use is otherwise subject to the provisions of Section  
7 20 of this Act and any confidentiality or similar provisions  
8 under State or federal law.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.