



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5735

by Rep. Elga L. Jefferies

SYNOPSIS AS INTRODUCED:

New Act

Creates the New Employee Criminal History Records Check Act. With respect to employees hired on or after the effective date of the Act, prohibits an employer from having a criminal history records check performed on an employee for one year after he or she has been hired. Provides that this prohibition does not prohibit an employer from having a criminal history records check performed on an applicant for employment. Provides that, if a criminal background check is relevant to the decision to hire or retain an employee, the application must clearly state that the criminal background check will impact the decision to hire or retain the employee. Provides that a violation of the prohibition is a petty offense. Provides that the Department of Labor is charged with the duty to enforce the Act. Effective July 1, 2008.

LRB095 16756 LCT 46321 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 New
5 Employee Criminal History Records Check Act.

6 Section 5. Definition of employer. In this Act, "employer"
7 mean a person, partnership, joint stock company, or corporation
8 that employs a person to work, labor, or exercise skill in
9 connection with the operation of a business, industry,
10 vocation, or occupation.

11 Section 10. Criminal history records check on new employee
12 prohibited. With respect to employees hired on or after the
13 effective date of this Act, an employer is prohibited from
14 having a criminal history records check performed on an
15 employee for one year after he or she has been hired. This
16 Section does not prohibit an employer from having a criminal
17 history records check performed on an applicant for employment.

18 Section 15. Notice on application. If a criminal background
19 check is relevant to the decision to hire or retain an
20 employee, the application must clearly state that the criminal
21 background check will impact the decision to hire or retain the

1 employee.

2 Section 20. Penalty. An employer who violates this Act is
3 guilty of a petty offense. The penalty for each offense is a
4 fine of not less than \$25 and not more than \$100.

5 Section 25. Enforcement; rules. The Department of Labor is
6 charged with the duty to enforce this Act. The Department may
7 adopt such rules relating to the administration and enforcement
8 of this Act as may be necessary. The violation of any rule so
9 adopted shall be deemed a violation of this Act.

10 Section 99. Effective date. This Act takes effect July 1,
11 2008.