



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1938

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

New Act

Creates the Small Business Second Chance Employment Act. Provides definitions of "second chance ex-offender", "court certificate", and "small business". Provides that a small business that, in good faith, employs a second chance ex-offender who presents a court certificate stating that the offender completed his or her probation, parole, conditional discharge, mandatory supervised release, or sentence at least 10 years earlier, who is not a habitual criminal, and who was never convicted of a Class X or Class 1 felony, is not liable as a result of employing the second chance ex-offender, except for wilful and wanton misconduct by the small business, to any person for any criminal conduct that the second chance ex-offender employee engages in during his or her working hours.

LRB097 05672 AJO 50938 b

1 AN ACT concerning civil law.

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 Small
5 Business Second Chance Employment Act.

6 Section 5. Purpose. The General Assembly finds that it is
7 in the public interest to protect from civil actions a small
8 business that provides employment and a second chance to a
9 person who is an ex-offender and who has not been found to have
10 engaged in any recent criminal conduct in the last 10 years.

11 Section 10. Definitions. For purposes of this Act,
12 "Court certificate" means a court order issued by the
13 committing court, following a person's discharge from
14 incarceration, probation, or parole, that certifies that the
15 person's probation, sentence, parole, conditional discharge,
16 or mandatory supervised release has been satisfactorily
17 completed and that the court believes that the order would
18 assist in the rehabilitation of the person and be consistent
19 with the public welfare. This order shall be entered in a
20 manner consistent with Section 5-5-5 of the Unified Code of
21 Corrections.

22 "Second chance ex-offender" means a person: who was

1 convicted of one or more felonies or misdemeanors and for whom
2 the last day of incarceration, probation, parole, conditional
3 discharge, or mandatory supervised release associated with any
4 conviction, whichever is later, is more than 10 years prior to
5 the date of the court certificate obtained pursuant to this
6 Act; whose conviction record was disclosed to the small
7 business employer prior that employer hiring the person; who
8 was never convicted of a Class X or Class 1 felony, or an
9 equivalent offense in any other state, territory, or country;
10 who has never been adjudicated to be a habitual criminal
11 pursuant to Section 5-4.5-95 of the Unified Code of
12 Corrections; and who, prior to being hired by a small business
13 pursuant to the Act, obtains a court certificate.

14 "Small business" means any for profit entity,
15 independently owned and operated, that grosses less than
16 \$4,000,000 per year or that has 50 or fewer full-time
17 employees.

18 Section 15. Immunity. A small business that, in good faith,
19 employs a second chance ex-offender pursuant to the Act, shall
20 not, as a result of employing the second chance ex-offender,
21 except wilful and wanton misconduct on the part of the small
22 business, be liable for civil damages for any criminal conduct
23 engaged in by the second chance ex-offender during his or her
24 working hours at the small business.