



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0428

by Rep. Thomas Morrison

SYNOPSIS AS INTRODUCED:

New Act

Creates the Limitations on Actions for Negligent Hiring Act. Provides that a cause of action may not be brought against a party solely for hiring an employee or independent contractor who has been convicted of a nonviolent, non-sexual offense. Provides that in a negligent hiring action for the acts of an employee or independent contractor, the fact that the employee or independent contractor was convicted of a nonviolent, non-sexual offense before the beginning of the employee's or independent contractor's employment or contractual obligation may not be introduced into evidence. Provides that the new provisions do not preclude any existing cause of action for failure of an employer or other person to provide adequate supervision of an employee or independent contractor, except that the fact that the employee or independent contractor has been convicted of a nonviolent, non-sexual criminal offense may be introduced into evidence in the suit only if: (1) the employer knew of the conviction or was grossly negligent in not knowing of the conviction; and (2) the conviction was directly related to the nature of the employee's or independent contractor's work and the conduct that gave rise to the alleged injury that is the basis of the suit. Provides exceptions in certain situations.

LRB099 03595 HEP 23603 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
5 Limitations on Actions for Negligent Hiring Act.

6 Section 5. Hiring employee or independent contractor
7 convicted of a nonviolent, non-sexual offense.

8 (a) A cause of action may not be brought against an
9 employer, general contractor, premises owner, or other third
10 party solely for hiring an employee or independent contractor
11 who has been convicted of a nonviolent, non-sexual offense.

12 (b) In a negligent hiring action against an employer,
13 general contractor, premises owner, or other third party for
14 the acts of an employee or independent contractor that is based
15 on a theory of liability other than that described by
16 subsection (a) of this Section, the fact that the employee or
17 independent contractor was convicted of a nonviolent,
18 non-sexual offense before the beginning of the employee's or
19 independent contractor's employment or contractual obligation
20 with the employer, general contractor, premises owner, or other
21 third party, as applicable, may not be introduced into
22 evidence.

23 (c) This Section does not preclude any existing cause of

1 action for failure of an employer or other person to provide
2 adequate supervision of an employee or independent contractor,
3 except that the fact that the employee or independent
4 contractor has been convicted of a nonviolent, non-sexual
5 criminal offense may be introduced into evidence in the suit
6 only if:

7 (1) the employer knew of the conviction or was grossly
8 negligent in not knowing of the conviction; and

9 (2) the conviction was directly related to the nature
10 of the employee's or independent contractor's work and the
11 conduct that gave rise to the alleged injury that is the
12 basis of the suit.

13 (d) The protections provided to an employer, general
14 contractor, premises owner, or third party under this Section
15 do not apply in a suit concerning:

16 (1) the misuse of funds or property of a person other
17 than the employer, general contractor, premises owner, or
18 third party, by an employee or independent contractor, if,
19 on the date the employee or independent contractor was
20 hired, the employee or independent contractor had been
21 convicted of a crime that includes fraud or the misuse of
22 funds or property as an element of the offense, and it was
23 foreseeable that the position for which the employee or
24 independent contractor was hired would involve discharging
25 a fiduciary responsibility in the management of funds or
26 property;

1 (2) the misappropriation of funds by an employee or
2 independent contractor, if the employee or independent
3 contractor was hired as an attorney and, on the date the
4 employee or independent contractor was hired, the employee
5 or independent contractor had been convicted of a crime
6 that includes fraud or the misuse of funds or property as
7 an element of the offense; or

8 (3) a violent offense or an improper use of excessive
9 force by an employee or independent contractor, if the
10 employee or independent contractor was hired to serve as a
11 law enforcement officer or security guard.