

1 AN ACT in relation to employment.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Illinois Human Rights Act is amended by
5 changing Section 2-103 as follows:

6 (775 ILCS 5/2-103) (from Ch. 68, par. 2-103)

7 Sec. 2-103. Arrest Record.

8 (A) Unless otherwise authorized by law, it is a civil
9 rights violation for any employer, employment agency or
10 labor organization to inquire into or to use the fact of an
11 arrest or criminal history record information ordered
12 expunged, sealed or impounded under Section 5 of the Criminal
13 Identification Act or criminal history record information or
14 other evidence of conviction of a non-violent ex-offender as
15 a basis to refuse to hire, to segregate, or to act with
16 respect to recruitment, hiring, promotion, renewal of
17 employment, selection for training or apprenticeship,
18 discharge, discipline, tenure or terms, privileges or
19 conditions of employment. This Section does not prohibit a
20 State agency, unit of local government or school district, or
21 private organization from utilizing conviction information
22 obtained from the Department of State Police under the
23 provisions of Section 3 of the Criminal Identification Act in
24 evaluating the qualifications and character of an employee or
25 a prospective employee.

26 (B) The prohibition against the use of the fact of an
27 arrest contained in this Section shall not be construed to
28 prohibit an employer, employment agency, or labor
29 organization from obtaining or using other information which
30 indicates that a person actually engaged in the conduct for
31 which he or she was arrested.

1 (C) In this Section, "non-violent ex-offender" means a
2 person who:

3 (1) has been convicted of or placed on supervision
4 for an offense that is not:

5 (i) a crime of violence as defined in Section 2 of the
6 Crime Victims Compensation Act;

7 (ii) a forcible felony as defined in Section 2-8 of the
8 Criminal Code of 1961;

9 (iii) a violation of Article 11 or Section 12-16.2 of
10 the Criminal Code of 1961; or

11 (iv) an offense described in clauses (i), (ii), or (iii)
12 in which federal or State law prohibits employment or the
13 issuance of a professional or occupational license; and

14 (2) who has completed the terms of his or her
15 sentence, including the conditions of probation,
16 conditional discharge, parole, or mandatory supervised
17 release.

18 (Source: P.A. 89-370, eff. 8-18-95.)