



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2319

Introduced 2/10/2023, by Sen. Karina Villa

#### SYNOPSIS AS INTRODUCED:

820 ILCS 75/10  
820 ILCS 75/15

Amends the Job Opportunities for Qualified Applicants Act. Provides that a government employer may not inquire about or into, consider, or require disclosure of the criminal record or criminal history of an applicant until the applicant has been determined qualified for the position and notified that the applicant has been selected for an interview. Provides that an employer, employment agency, or government employer may not inquire about or into, consider, or require disclosure of the immigration, citizenship, or residency status of an applicant unless such an inquiry is required by law. Provides that if residency requirements are a requirement of employment by the employer, employment agency, or government employer, the address of the applicant is to be considered when determining residency and not the citizenship or immigration status of the applicant. Defines terms.

LRB103 28929 SPS 55315 b

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 5. The Job Opportunities for Qualified Applicants  
5 Act is amended by changing Sections 10 and 15 as follows:

6 (820 ILCS 75/10)

7 Sec. 10. Definitions. As used in this Act:

8 "Applicant" means any person pursuing employment with an  
9 employer or with or through an employment agency.

10 "Employer" means any person or private entity that has 15  
11 or more employees in the current or preceding calendar year,  
12 and any agent of such an entity or person.

13 "Employment agency" means any person or entity regularly  
14 undertaking with or without compensation to procure employees  
15 for an employer or to procure for employees opportunities to  
16 work for an employer and includes an agent of such a person.

17 "Employment" means any occupation or vocation.

18 "Government employer" means any State or local government  
19 agency, department, or entity.

20 (Source: P.A. 98-774, eff. 1-1-15.)

21 (820 ILCS 75/15)

22 Sec. 15. Employer pre-screening.

1           (a) An employer, ~~or~~ employment agency, or government  
2 employer may not inquire about or into, consider, or require  
3 disclosure of the criminal record or criminal history of an  
4 applicant until the applicant has been determined qualified  
5 for the position and notified that the applicant has been  
6 selected for an interview by the employer, ~~or~~ employment  
7 agency, or government employer or, if there is not an  
8 interview, until after a conditional offer of employment is  
9 made to the applicant by the employer, ~~or~~ employment agency,  
10 or government employer.

11           (b) The requirements set forth in subsection (a) of this  
12 Section do not apply for positions where:

13           (1) employers are required to exclude applicants with  
14 certain criminal convictions from employment due to  
15 federal or State law;

16           (2) a standard fidelity bond or an equivalent bond is  
17 required and an applicant's conviction of one or more  
18 specified criminal offenses would disqualify the applicant  
19 from obtaining such a bond, in which case an employer may  
20 include a question or otherwise inquire whether the  
21 applicant has ever been convicted of any of those  
22 offenses; or

23           (3) employers employ individuals licensed under the  
24 Emergency Medical Services (EMS) Systems Act.

25           (b-5) An employer, employment agency, or government  
26 employer may not inquire about or into, consider, or require

1 disclosure of the immigration, citizenship, or residency  
2 status of an applicant unless such an inquiry is required by  
3 law. If residency requirements are a requirement of employment  
4 by the employer, employment agency, or government employer,  
5 the address of the applicant is to be considered when  
6 determining residency and not the citizenship or immigration  
7 status of the applicant.

8 (c) This Section does not prohibit an employer or  
9 government employer from notifying applicants in writing of  
10 the specific offenses that will disqualify an applicant from  
11 employment in a particular position due to federal or State  
12 law or the employer or government employer's policy.

13 (Source: P.A. 98-774, eff. 1-1-15.)