



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1284

Introduced 2/8/2011, by Sen. Kimberly A. Lightford

#### SYNOPSIS AS INTRODUCED:

775 ILCS 5/2-103

from Ch. 68, par. 2-103

Amends the Illinois Human Rights Act. Provides that it is a civil rights violation for any employer, employment agency, or labor organization to inquire into or use the fact of an arrest, the fact of a criminal charge, or any expunged or sealed criminal history record information (instead of only the fact of an arrest or expunged or any sealed criminal history record information) of a person, as a basis to refuse to hire, for an adverse employment action, to refuse to grant tenure, or to affect the terms, privileges or conditions of employment, but that the prohibition against the use of the fact of an arrest or the fact of a criminal charge (instead of only the fact of an arrest) does not prohibit an employer, employment agency, or labor organization from obtaining or using other information which indicates that a person actually engaged in the conduct for which he or she was arrested or for which he or she was the subject of a criminal charge.

LRB097 06309 AJO 46777 b

1 AN ACT concerning human rights.

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 and Criminal Charge Records ~~Record~~.

8 (A) Unless otherwise authorized by law, it is a civil  
9 rights violation for any employer, employment agency or labor  
10 organization to inquire into or to use (1) the fact of an  
11 arrest, (2) the fact of a criminal charge, or (3) criminal  
12 history record information ordered expunged, sealed or  
13 impounded under Section 5.2 of the Criminal Identification Act  
14 as a basis to refuse to hire, to segregate, or to act with  
15 respect to recruitment, hiring, promotion, renewal of  
16 employment, selection for training or apprenticeship,  
17 discharge, discipline, tenure or terms, privileges or  
18 conditions of employment. This Section does not prohibit a  
19 State agency, unit of local government or school district, or  
20 private organization from requesting or utilizing sealed  
21 felony conviction information obtained from the Department of  
22 State Police under the provisions of Section 3 of the Criminal  
23 Identification Act or under other State or federal laws or

1 regulations that require criminal background checks in  
2 evaluating the qualifications and character of an employee or a  
3 prospective employee.

4 (B) The prohibition against the use of the fact of an  
5 arrest or the fact of a criminal charge contained in this  
6 Section shall not be construed to prohibit an employer,  
7 employment agency, or labor organization from obtaining or  
8 using other information which indicates that a person actually  
9 engaged in the conduct for which he or she was arrested or for  
10 which he or she was the subject of a criminal charge.

11 (Source: P.A. 96-409, eff. 1-1-10.)