

PROBLEM

Illinois provides little regulation on information included in criminal background checks across the state. Under current law, landlords and employers may seek information from a variety of sources that are not legally required to ensure updated and accurate background check reports. As a consequence, criminal background checks often contain incorrect and incomplete data. When employers and landlords rely on inaccurate background checks to make decisions, qualified applicants may be unfairly denied.

94% OF EMPLOYERS AND 90% OF LANDLORDS UTILIZE BACKGROUND CHECKS IN THE DECISION-MAKING PROCESS.¹

SOLUTION

Under current law, the criminal background history reported by the Illinois State Police (ISP) is regulated by the Illinois Uniform Conviction Information Act. ISP is required by law to regularly update criminal history information and comply with sealed and expunged record changes. The ABLE (Accurate Backgrounds from Law Enforcement) Act, if enacted, would require employers and landlords to use criminal background reports issued by ISP to ensure accurate information is used to make a fair decision.

627,945 ADULTS IN ILLINOIS HAVE AN ARREST WITHOUT A CONVICTION.²

- ▶ Unless otherwise stipulated by law, employers and landlords shall only use criminal history reports issued by the Illinois Department of State Police pursuant to the stipulations of the Illinois Uniform Conviction Information Act.
- ▶ The background check used to make adverse employment or tenancy decisions must be no more than 90 days old.
- ▶ Employers and landlords who run background checks may not charge the subjects of these checks unless that individual is offered and accepts employment or signs a lease/tenancy agreement.

Requiring employers to only use reports issued by the Illinois Department of State Police protects applicants and ensures more accurate information is used in an applicant's background review.

¹Nelson, A. (2019, December). Broken Records Redux How Errors by Criminal Background Check Companies Continue to harm Consumers Seeking Jobs and Housing. National Consumer Law Center. Retrieved from <https://www.nclc.org/images/pdf/criminal-justice/report-broken-records-redux.pdf>

²Buitrago, K., & Escobar-Schulz, S. (2020). Never Fully Free: The Scale and Impact of Permanent Punishments on People with Criminal Records in Illinois. Social Impact Research Center, A Heartland Alliance Program. doi:<https://socialimpactresearchcenter.issuelab.org/resource/never-fully-free-the-scale-and-impact-of-permanent-punishments-on-people-with-criminal-records-in-illinois.html>

FOR MORE INFORMATION

MATTHEW SMITH

Cabrini Green Legal Aid
matthewsmith@cglal.net
(312) 687-8578

DESTINY CARTER

Chicago Coalition for the Homeless
destiny@chicagohomeless.org
(312) 641-4140

LINDSEY HAMMOND

Community Renewal Society
lhammond@communityrenewalsociety.org
(802) 922-1183

This legislation is supported by the
RESTORING RIGHTS AND OPPORTUNITIES COALITION OF ILLINOIS (RROCI),
a coalition of directly impacted community leaders, organizers, and policy advocates from:



ENDORSED BY: Chicago Jobs Council