



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5933

by Rep. Emily McAsey

#### SYNOPSIS AS INTRODUCED:

55 ILCS 5/2-3015

55 ILCS 5/2-4010

55 ILCS 5/Div. 3-20 heading new

55 ILCS 5/3-20001 new

730 ILCS 5/5-5-5

from Ch. 38, par. 1005-5-5

Amends the Counties Code. Provides that no person is eligible for county office or county board member or commissioner if he or she is a convicted felon. Amends the Unified Code of Corrections. Provides that the restoration of the right to hold office after completing a sentence for a felony does not apply to county office, county board member or commissioner.

LRB098 18330 JLK 55506 b

1 AN ACT concerning local government.

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

4 Section 5. The Counties Code is amended by changing  
5 Sections 2-3015 and 2-4010 and by adding Division 3-20 as  
6 follows:

7 (55 ILCS 5/2-3015)

8 Sec. 2-3015. Qualifications of County Board Members and  
9 Commissioners. In counties with a population of 3,000,000 or  
10 less, no person is eligible to hold the office of county board  
11 member or commissioner unless he or she is a legal voter and  
12 has been a resident of the county for at least one year next  
13 preceding the election. No person elected under this Section  
14 shall be eligible to hold office if he or she is a convicted  
15 felon.

16 (Source: P.A. 90-173, eff. 1-1-98.)

17 (55 ILCS 5/2-4010)

18 Sec. 2-4010. Qualifications of County Board Members and  
19 Commissioners. In counties with a population of 3,000,000 or  
20 less, no person is eligible to hold the office of county board  
21 member or commissioner unless he or she is a legal voter and  
22 has been a resident of the county for at least one year next

1 preceding the election. No person elected under this Section  
2 shall be eligible to hold office if he or she is a convicted  
3 felon.

4 (Source: P.A. 90-173, eff. 1-1-98.)

5 Section 10. The Counties Code is amended by adding Division  
6 3-20 as follows:

7 (55 ILCS 5/Div. 3-20 heading new)

8 Division 3-20. General Provisions

9 (55 ILCS 5/3-20001 new)

10 Sec. 3-20001. Elected county officers. No person elected  
11 under this Article shall be eligible to hold office if he or  
12 she is a convicted felon.

13 Section 15. The Unified Code of Corrections is amended by  
14 changing Section 5-5-5 as follows:

15 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

16 Sec. 5-5-5. Loss and Restoration of Rights.

17 (a) Conviction and disposition shall not entail the loss by  
18 the defendant of any civil rights, except under this Section  
19 and Sections 29-6 and 29-10 of The Election Code, as now or  
20 hereafter amended.

21 (b) A person convicted of a felony shall be ineligible to

1 hold an office created by the Constitution of this State until  
2 the completion of his sentence. This restoration shall not  
3 apply to the offices of county board member, county  
4 commissioner, or other county offices created by the  
5 Constitution of this State.

6 (c) A person sentenced to imprisonment shall lose his right  
7 to vote until released from imprisonment.

8 (d) On completion of sentence of imprisonment or upon  
9 discharge from probation, conditional discharge or periodic  
10 imprisonment, or at any time thereafter, all license rights and  
11 privileges granted under the authority of this State which have  
12 been revoked or suspended because of conviction of an offense  
13 shall be restored unless the authority having jurisdiction of  
14 such license rights finds after investigation and hearing that  
15 restoration is not in the public interest. This paragraph (d)  
16 shall not apply to the suspension or revocation of a license to  
17 operate a motor vehicle under the Illinois Vehicle Code.

18 (e) Upon a person's discharge from incarceration or parole,  
19 or upon a person's discharge from probation or at any time  
20 thereafter, the committing court may enter an order certifying  
21 that the sentence has been satisfactorily completed when the  
22 court believes it would assist in the rehabilitation of the  
23 person and be consistent with the public welfare. Such order  
24 may be entered upon the motion of the defendant or the State or  
25 upon the court's own motion.

26 (f) Upon entry of the order, the court shall issue to the

1 person in whose favor the order has been entered a certificate  
2 stating that his behavior after conviction has warranted the  
3 issuance of the order.

4 (g) This Section shall not affect the right of a defendant  
5 to collaterally attack his conviction or to rely on it in bar  
6 of subsequent proceedings for the same offense.

7 (h) No application for any license specified in subsection  
8 (i) of this Section granted under the authority of this State  
9 shall be denied by reason of an eligible offender who has  
10 obtained a certificate of relief from disabilities, as defined  
11 in Article 5.5 of this Chapter, having been previously  
12 convicted of one or more criminal offenses, or by reason of a  
13 finding of lack of "good moral character" when the finding is  
14 based upon the fact that the applicant has previously been  
15 convicted of one or more criminal offenses, unless:

16 (1) there is a direct relationship between one or more  
17 of the previous criminal offenses and the specific license  
18 sought; or

19 (2) the issuance of the license would involve an  
20 unreasonable risk to property or to the safety or welfare  
21 of specific individuals or the general public.

22 In making such a determination, the licensing agency shall  
23 consider the following factors:

24 (1) the public policy of this State, as expressed in  
25 Article 5.5 of this Chapter, to encourage the licensure and  
26 employment of persons previously convicted of one or more

1 criminal offenses;

2 (2) the specific duties and responsibilities  
3 necessarily related to the license being sought;

4 (3) the bearing, if any, the criminal offenses or  
5 offenses for which the person was previously convicted will  
6 have on his or her fitness or ability to perform one or  
7 more such duties and responsibilities;

8 (4) the time which has elapsed since the occurrence of  
9 the criminal offense or offenses;

10 (5) the age of the person at the time of occurrence of  
11 the criminal offense or offenses;

12 (6) the seriousness of the offense or offenses;

13 (7) any information produced by the person or produced  
14 on his or her behalf in regard to his or her rehabilitation  
15 and good conduct, including a certificate of relief from  
16 disabilities issued to the applicant, which certificate  
17 shall create a presumption of rehabilitation in regard to  
18 the offense or offenses specified in the certificate; and

19 (8) the legitimate interest of the licensing agency in  
20 protecting property, and the safety and welfare of specific  
21 individuals or the general public.

22 (i) A certificate of relief from disabilities shall be  
23 issued only for a license or certification issued under the  
24 following Acts:

25 (1) the Animal Welfare Act; except that a certificate  
26 of relief from disabilities may not be granted to provide

1 for the issuance or restoration of a license under the  
2 Animal Welfare Act for any person convicted of violating  
3 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
4 Care for Animals Act or Section 26-5 or 48-1 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012;

6 (2) the Illinois Athletic Trainers Practice Act;

7 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
8 and Nail Technology Act of 1985;

9 (4) the Boiler and Pressure Vessel Repairer Regulation  
10 Act;

11 (5) the Boxing and Full-contact Martial Arts Act;

12 (6) the Illinois Certified Shorthand Reporters Act of  
13 1984;

14 (7) the Illinois Farm Labor Contractor Certification  
15 Act;

16 (8) the Interior Design Title Act;

17 (9) the Illinois Professional Land Surveyor Act of  
18 1989;

19 (10) the Illinois Landscape Architecture Act of 1989;

20 (11) the Marriage and Family Therapy Licensing Act;

21 (12) the Private Employment Agency Act;

22 (13) the Professional Counselor and Clinical  
23 Professional Counselor Licensing and Practice Act;

24 (14) the Real Estate License Act of 2000;

25 (15) the Illinois Roofing Industry Licensing Act;

26 (16) the Professional Engineering Practice Act of

1 1989;

2 (17) the Water Well and Pump Installation Contractor's  
3 License Act;

4 (18) the Electrologist Licensing Act;

5 (19) the Auction License Act;

6 (20) the Illinois Architecture Practice Act of 1989;

7 (21) the Dietitian Nutritionist Practice Act;

8 (22) the Environmental Health Practitioner Licensing  
9 Act;

10 (23) the Funeral Directors and Embalmers Licensing  
11 Code;

12 (24) the Land Sales Registration Act of 1999;

13 (25) the Professional Geologist Licensing Act;

14 (26) the Illinois Public Accounting Act; and

15 (27) the Structural Engineering Practice Act of 1989.

16 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11;  
17 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; 97-1141, eff.  
18 12-28-12; 97-1150, eff. 1-25-13; revised 2-22-13.)