



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB1440

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

10 ILCS 5/29-15
730 ILCS 5/5-5-5

from Ch. 46, par. 29-15
from Ch. 38, par. 1005-5-5

Amends the Election Code. Provides that any person convicted of an infamous crime or public corruption crime shall be prohibited from holding any political office or office of honor, trust, or profit except as provided by the terms of a pardon for the offense or otherwise according to law. Defines "public corruption crime". Amends the Unified Code of Corrections making a corresponding change. Effective immediately.

LRB099 05773 MGM 25817 b

1 AN ACT concerning elections.

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

4 Section 5. The Election Code is amended by changing Section
5 29-15 as follows:

6 (10 ILCS 5/29-15) (from Ch. 46, par. 29-15)

7 Sec. 29-15. Conviction deemed infamous. Any person
8 convicted of an infamous crime or public corruption crime ~~as~~
9 ~~such term is defined in Section 124-1 of the Code of Criminal~~
10 ~~Procedure of 1963, as amended,~~ shall thereafter be prohibited
11 from holding any political office or office of honor, trust, or
12 profit, unless such person is again restored to such rights by
13 the terms of a pardon for the offense or otherwise according to
14 law. As used in this Section, "public corruption crime"
15 includes the offenses under paragraph (6) of subsection (a) of
16 Section 12-6 and Sections 33-1, 33-2, 33-3, 33-3.1, 33-3.2,
17 33-6, 33-7, 33-8, 33E-5, 33E-6, and 33E-7 of the Criminal Code
18 of 2012.

19 (Source: P.A. 83-1097.)

20 Section 10. The Unified Code of Corrections is amended by
21 changing Section 5-5-5 as follows:

1 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

3 (a) Conviction and disposition shall not entail the loss by
4 the defendant of any civil rights, except under this Section
5 and Sections 29-6, ~~and~~ 29-10, and 29-15 of The Election Code,
6 as now or hereafter amended.

7 (b) A person convicted of a felony shall be ineligible to
8 hold an office created by the Constitution of this State until
9 the completion of his sentence.

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

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

22 (e) Upon a person's discharge from incarceration or parole,
23 or upon a person's discharge from probation or at any time
24 thereafter, the committing court may enter an order certifying
25 that the sentence has been satisfactorily completed when the
26 court believes it would assist in the rehabilitation of the

1 person and be consistent with the public welfare. Such order
2 may be entered upon the motion of the defendant or the State or
3 upon the court's own motion.

4 (f) Upon entry of the order, the court shall issue to the
5 person in whose favor the order has been entered a certificate
6 stating that his behavior after conviction has warranted the
7 issuance of the order.

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

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

20 (1) there is a direct relationship between one or more
21 of the previous criminal offenses and the specific license
22 sought; or

23 (2) the issuance of the license would involve an
24 unreasonable risk to property or to the safety or welfare
25 of specific individuals or the general public.

26 In making such a determination, the licensing agency shall

1 consider the following factors:

2 (1) the public policy of this State, as expressed in
3 Article 5.5 of this Chapter, to encourage the licensure and
4 employment of persons previously convicted of one or more
5 criminal offenses;

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

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

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

14 (5) the age of the person at the time of occurrence of
15 the criminal offense or offenses;

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

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

23 (8) the legitimate interest of the licensing agency in
24 protecting property, and the safety and welfare of specific
25 individuals or the general public.

26 (i) A certificate of relief from disabilities shall be

1 issued only for a license or certification issued under the
2 following Acts:

3 (1) the Animal Welfare Act; except that a certificate
4 of relief from disabilities may not be granted to provide
5 for the issuance or restoration of a license under the
6 Animal Welfare Act for any person convicted of violating
7 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
8 Care for Animals Act or Section 26-5 or 48-1 of the
9 Criminal Code of 1961 or the Criminal Code of 2012;

10 (2) the Illinois Athletic Trainers Practice Act;

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

13 (4) the Boiler and Pressure Vessel Repairer Regulation
14 Act;

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

16 (6) the Illinois Certified Shorthand Reporters Act of
17 1984;

18 (7) the Illinois Farm Labor Contractor Certification
19 Act;

20 (8) the Interior Design Title Act;

21 (9) the Illinois Professional Land Surveyor Act of
22 1989;

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

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

25 (12) the Private Employment Agency Act;

26 (13) the Professional Counselor and Clinical

1 Professional Counselor Licensing and Practice Act;

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

3 (15) the Illinois Roofing Industry Licensing Act;

4 (16) the Professional Engineering Practice Act of
5 1989;

6 (17) the Water Well and Pump Installation Contractor's
7 License Act;

8 (18) the Electrologist Licensing Act;

9 (19) the Auction License Act;

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

11 (21) the Dietitian Nutritionist Practice Act;

12 (22) the Environmental Health Practitioner Licensing
13 Act;

14 (23) the Funeral Directors and Embalmers Licensing
15 Code;

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

17 (25) the Professional Geologist Licensing Act;

18 (26) the Illinois Public Accounting Act; and

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

20 (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;
21 97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.
22 1-25-13; 98-756, eff. 7-16-14.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.