AN ACT concerning regulation.

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

Section 1. This Act may be referred to as the Comprehensive Licensing Information to Minimize Barriers Act.

Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Sections 2105-5, 2105-105, 2105-131, 2105-135, 2105-165, 2105-170, 2105-205, and 2105-207 as follows:

(20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

Sec. 2105-5. Definitions. In this Law:

"Address of record" means the designated address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit. An address of record must be a street address, not a post office box or any other similar location.

"Applicant" means an applicant for a license, certification, registration, permit, or other authority issued or conferred by the Department by virtue or authority of which the licensee has or claims the right to engage in a profession, trade, occupation, or operation of which the Department has jurisdiction.

"Department" means the Division of Professional Regulation and the Division of Real Estate of the Department of Financial and Professional Regulation. Any reference in this Article to the "Department of Professional Regulation" shall be deemed to mean the "Division of Professional Regulation and the Division of Real Estate of the Department of Financial and Professional Regulation".

"Director" means the Director of Professional Regulation or the Director of Real Estate.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Board" means the board of persons designated for a profession, trade, or occupation under the provisions of any Act now or hereafter in force whereby the jurisdiction of that profession, trade, or occupation is devolved on the Department.

"License" means a license, registration, certification, permit, or other authority purporting to be issued or conferred by the Department by virtue or authority of which the licensee has or claims the right to engage in a profession, trade, occupation, or operation of which the Department has jurisdiction.

"Licensee" means a person who holds or claims to hold a license. An unlicensed person or entity that holds himself, herself, or itself out as a licensee or engages in a licensed activity shall be deemed to be a licensee for the purposes of investigation or disciplinary action.

"Retiree" means a person who has been duly licensed, registered, or certified in a profession regulated by the Department and who chooses to relinquish or not renew his or her license, registration, or certification.

(Source: P.A. 99-227, eff. 8-3-15; 100-262, eff. 8-22-17.)

(20 ILCS 2105/2105-105) (was 20 ILCS 2105/60d)

Sec. 2105-105. Oaths; subpoenas; penalty.

(a) Notwithstanding any provision of law to the contrary in any licensing Act, the ~~The~~ Department, by its Director or a person designated by him or her, is empowered, at any time during the course of any investigation or hearing conducted pursuant to any Act administered by the Department, to administer oaths, subpoena witnesses, take evidence, and compel the production of any books, papers, records, or any other documents that the Director, or a person designated by him or her, deems relevant or material to any such investigation or hearing conducted by the Department~~, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State~~. Witnesses in hearings conducted under this Section are entitled to the same fees and mileage, and in the same manner, as prescribed by law in judicial proceedings in civil cases of this State. Discovery or evidence depositions shall not be taken, except by agreement of the Department and registrant.

(b) Any person who, without lawful authority, fails to appear in response to a subpoena or to answer any question or produce any books, papers, records, or any other documents relevant or material to the investigation or hearing is guilty of a Class A misdemeanor. Each violation shall constitute a separate and distinct offense.

In addition to initiating criminal proceedings, the Department, through the Attorney General, may seek enforcement of any such subpoena by any circuit court of this State.

(Source: P.A. 99-227, eff. 8-3-15.)

(20 ILCS 2105/2105-131)

Sec. 2105-131. Applicants with criminal convictions; notice of denial.

(a) For the purposes of this Section, "mitigating factors" means any information, evidence, conduct, or circumstances before, during, or after the offense or offenses reviewed by the Department that may reflect favorably on an applicant's request for licensure, registration, or certification through the Department, such as 3 years having passed since release from confinement. ~~Mitigating factors are not a bar to licensure, instead they provide guidance for the Department~~

~~when considering licensure, registration, or certification for an applicant with criminal history.~~

Except as provided in Section 2105-165 of this Act regarding licensing restrictions based on enumerated offenses for health care workers as defined in the Health Care Worker Self-Referral Act and except as provided in any licensing Act administered by the Department in which convictions of certain enumerated offenses are a bar to licensure, the Department, upon a finding that an applicant for a license, certificate, or registration was previously convicted of a felony or misdemeanor that may be grounds for refusing to issue a license or certificate or to grant a registration, shall consider ~~any mitigating factors and evidence of rehabilitation contained in the applicant's record, including the circumstances surrounding the offense or offenses and any of~~ the following~~,~~ to determine whether a prior conviction will impair the ability of the applicant to engage in the practice for which a license, certificate, or registration is sought:

(1) the ~~lack of~~ direct relationship ~~relation~~ of the offense for which the applicant was previously convicted to the duties, functions, and responsibilities of the position for which a license is sought, whether the license sought offers the opportunity for the same offense or a similar offense to occur, and whether the circumstances leading to the conduct for which the person was convicted may reoccur in the profession sought;

(2) any mitigating factors, ~~from the point of arrest or indictment when determined to be appropriate, unless otherwise specified and~~ including, but not limited to, evidence of rehabilitation, the circumstances surrounding the offense, the number of prior convictions that appear on the conviction record, the length of time since the last conviction, and whether 5 years since a felony conviction or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;

(3) if the applicant was previously licensed or employed in this State or other states or jurisdictions, the lack of prior misconduct arising from or related to the licensed position or position of employment;

(4) the age of the person at the time of the ~~criminal~~ offense for which the applicant was previously convicted and the facts and circumstances surrounding that offense and subsequent conviction;

(4.5) the nature and severity of the prior conviction and the relationship of the prior conviction to the safety and security of others ~~if, due to the applicant's criminal conviction history, the applicant would be explicitly prohibited by federal rules or regulations from working in the position for which a license is sought~~;

(5) successful completion of sentence and, for applicants serving a term of parole or probation, a

progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;

(6) evidence of the applicant's ~~present fitness and~~ professional record, including the applicant's employment history ~~character~~;

(7) evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections or certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections; and

(8) any other ~~mitigating~~ factors that contribute to the person's potential and current ability to perform the job duties.

(b) If the Department refuses to issue a license or certificate or grant registration to an applicant based upon a conviction or convictions, in whole or in part, the Department shall notify the applicant of the denial in writing with the following included in the notice of denial:

(1) a statement about the decision to refuse to grant a license, certificate, or registration, including an explanation of how the conviction directly relates to and would prevent the person from effectively engaging in the position for which a license, registration, or certificate

is sought;

(2) a list of convictions that the Department determined will impair the applicant's ability to engage in the position for which a license, registration, or certificate is sought;

(3) a list of convictions that formed the sole or partial basis for the refusal to issue a license or certificate or grant registration; and

(4) a summary of the appeal process or the earliest the applicant may reapply for a license, certificate, or registration, whichever is applicable.

(c) The Department shall post on its website a list of all State licensing restrictions that would prohibit an applicant from working in a position for which a license is sought.

(Source: P.A. 101-388, eff. 1-1-20; 102-105, eff. 1-1-22.)

(20 ILCS 2105/2105-135)

Sec. 2105-135. Qualification for licensure or registration; ~~good moral character;~~ applicant conviction records.

(a) The practice of professions licensed or registered by the Department is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that persons who are licensed or registered to engage in any of the professions licensed or registered by the Department perform the functions of those professions in a manner that does not harm or threaten harm to members of the public ~~are of good moral character~~, which shall be a continuing requirement of licensure or registration so as to merit and receive the confidence and trust of the public. Upon a finding by the Department that a person has committed a violation of the disciplinary grounds of any licensing Act administered by the Department with regard to licenses, certificates, or authorities of persons exercising the respective professions, trades, or occupations, the Department, in addition to any remedy authorized under the licensing Act, is authorized to revoke, suspend, refuse to renew, place on probationary status, fine, or take any other disciplinary or nondisciplinary action it deems warranted against any licensee or registrant whose conduct harms or threatens harm to members of the public, as long as the Department has considered the factors set forth in subsection (a) of Section 2105-131 of this Act ~~violates the continuing requirement of good moral character~~.

(b) No application for licensure or registration shall be denied ~~by reason of a finding of lack of good moral character when the finding is~~ based solely upon the fact that the applicant has previously been convicted of one or more criminal offenses. When reviewing a prior conviction of an initial applicant ~~for the purpose of determining good moral character~~, the Department shall consider the factors ~~evidence~~

~~of rehabilitation and mitigating factors in the applicant's record, including those~~ set forth in subsection (a) of Section 2105-131 of this Act. A denial based on a finding of an applicant's lack of good moral character related to a prior conviction shall only be permitted when required by the relevant professional Act and after the Department has considered the factors set forth in subsection (a) of Section 2105-131 of this Act.

(c) The Department shall not require applicants to report the following information and shall not consider the following criminal history records in connection with an application for licensure or registration:

(1) juvenile adjudications of delinquent minors as defined in Section 5-105 of the Juvenile Court Act of 1987 subject to the restrictions set forth in Section 5-130 of that Act;

(2) law enforcement records, court records, and conviction records of an individual who was 17 years old at the time of the offense and before January 1, 2014, unless the nature of the offense required the individual to be tried as an adult;

(3) records of arrest not followed by a charge or conviction;

(4) records of arrest where the charges were dismissed; ~~unless related to the practice of the profession; however,~~ applicants shall not be asked to

report any arrests, and an arrest not followed by a conviction<u>, if disclosed,</u> shall not be the basis of a denial and may be used only to assess an applicant's rehabilitation;

(5) convictions overturned by a higher court; or

(6) convictions or arrests that have been sealed or expunged.

(Source: P.A. 100-286, eff. 1-1-18.)

(20 ILCS 2105/2105-165)

Sec. 2105-165. Health care worker licensure actions; sex crimes.

(a) When a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, (1) has been convicted of a criminal act that requires registration under the Sex Offender Registration Act; (1.5) has been convicted of involuntary sexual servitude of a minor under subsection (c) of Section 10-9 or subsection (b) of Section 10A-10 of the Criminal Code of 1961 or the Criminal Code of 2012; (2) has been convicted of a criminal battery against any patient in the course of patient care or treatment, including any offense based on sexual conduct or sexual penetration; (3) has been convicted of a forcible felony; or (4) is required as a part of a criminal sentence to register under the Sex Offender Registration Act, then, notwithstanding any other provision of law to the contrary, except as provided in this Section, the license of the health care worker shall by operation of law be permanently revoked without a hearing.

(a-1) If a licensed health care worker has been convicted of a forcible felony, other than a forcible felony requiring registration under the Sex Offender Registration Act, involuntary sexual servitude of a minor that is a forcible felony, or a criminal battery against any patient in the course of patient care or treatment, is not required to register as a sex offender, and has had his or her license revoked pursuant to item (3) of subsection (a) of this Section, then the health care worker may petition the Department to restore his or her license if more than 5 years have passed since the conviction or more than 3 years have passed since the health care worker's release from confinement for that conviction, whichever is later. In determining whether a license shall be restored, the Department shall consider, but is not limited to, the following factors:

(1) the seriousness of the offense;

(2) the presence of multiple offenses;

(3) prior disciplinary history, including, but not limited to, actions taken by other agencies in this State or by other states or jurisdictions, hospitals, health care facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;

(4) the impact of the offense on any injured party;

(5) the vulnerability of any injured party, including, but not limited to, consideration of the injured party's age, disability, or mental illness;

(6) the motive for the offense;

(7) the lack of contrition for the offense;

(8) the lack of cooperation with the Department or other investigative authorities;

(9) the lack of prior disciplinary action, including, but not limited to, action by the Department or by other agencies in this State or by other states or jurisdictions, hospitals, health care facilities, residency programs, employers, insurance providers, or any of the armed forces of the United States or any state;

(10) contrition for the offense;

(11) cooperation with the Department or other investigative authorities;

(12) restitution to injured parties;

(13) whether the misconduct was self-reported;

(14) any voluntary remedial actions taken or other evidence of rehabilitation; and

(15) the date of conviction.

(b) No person who has been convicted of any offense listed in subsection (a) or required to register as a sex offender may receive a license as a health care worker in Illinois. The process for petition and review by the Department provided in subsection (a-1) shall also apply to a person whose application for licensure is denied pursuant to item (3) of subsection (a) of this Section for a conviction of a forcible felony, other than a forcible felony requiring registration under the Sex Offender Registration Act, involuntary sexual servitude of a minor that is a forcible felony, or a criminal battery against any patient in the course of patient care or treatment, who is not required to register as a sex offender.

(c) Immediately after a licensed health care worker, as defined in the Health Care Worker Self-Referral Act, has been charged with any offense for which the sentence includes registration as a sex offender; involuntary sexual servitude of a minor; a criminal battery against a patient, including any offense based on sexual conduct or sexual penetration, in the course of patient care or treatment; or a forcible felony; then the prosecuting attorney shall provide notice to the Department of the health care worker's name, address, practice address, and license number and the patient's name and a copy of the criminal charges filed. Within 5 business days after receiving notice from the prosecuting attorney of the filing of criminal charges against the health care worker, the Secretary shall issue an administrative order that the health care worker shall immediately practice only with a chaperone during all patient encounters pending the outcome of the criminal proceedings. The chaperone must be a licensed health care worker. The chaperone shall provide written notice to all of the health care worker's patients explaining the

Department's order to use a chaperone. Each patient shall sign an acknowledgement that they received the notice. The notice to the patient of criminal charges shall include, in 14-point font, the following statement: "The health care worker is presumed innocent until proven guilty of the charges.". The licensed health care worker shall provide a written plan of compliance with the administrative order that is acceptable to the Department within 5 days after service ~~receipt~~ of the administrative order. Failure to comply with the administrative order, failure to file a compliance plan, or failure to follow the compliance plan shall subject the health care worker to temporary suspension of his or her professional license until the completion of the criminal proceedings.

(d) Nothing contained in this Section shall act in any way to waive or modify the confidentiality of information provided by the prosecuting attorney to the extent provided by law. Any information reported or disclosed shall be kept for the confidential use of the Secretary, Department attorneys, the investigative staff, and authorized clerical staff and shall be afforded the same status as is provided information under Part 21 of Article VIII of the Code of Civil Procedure, except that the Department may disclose information and documents to (1) a federal, State, or local law enforcement agency pursuant to a subpoena in an ongoing criminal investigation or (2) an appropriate licensing authority of another state or jurisdiction pursuant to an official request made by that authority. Any information and documents disclosed to a federal, State, or local law enforcement agency may be used by that agency only for the investigation and prosecution of a criminal offense. Any information or documents disclosed by the Department to a professional licensing authority of another state or jurisdiction may only be used by that authority for investigations and disciplinary proceedings with regards to a professional license.

(e) Any licensee whose license was revoked or who received an administrative order under this Section shall have the revocation or administrative order vacated and completely removed from the licensee's records and public view and the revocation or administrative order shall be afforded the same status as is provided information under Part 21 of Article VIII of the Code of Civil Procedure if (1) the charges upon which the revocation or administrative order is based are dropped; (2) the licensee is not convicted of the charges upon which the revocation or administrative order is based; or (3) any conviction for charges upon which the revocation or administrative order was based have been vacated, overturned, or reversed.

(f) Nothing contained in this Section shall prohibit the Department from initiating or maintaining a disciplinary action against a licensee independent from any criminal charges, conviction, or sex offender registration.

(g) The Department may adopt rules necessary to implement this Section.

(h) For the purposes of this Section, "conviction" includes a plea of guilty, a plea of nolo contendere, a finding of guilt, a jury verdict, and an entry of judgment or sentencing, including, but not limited to, preceding sentences of supervision, conditional discharge, or first offender probation.

(Source: P.A. 99-886, eff. 1-1-17; 100-262, eff. 8-22-17.)

(20 ILCS 2105/2105-170)

Sec. 2105-170. Health care workers; automatic suspension of license or registration. A health care worker, as defined by the Health Care Worker Self-Referral Act or as set forth by rule, licensed or registered by the Department shall be automatically and indefinitely suspended if the licensee has either been convicted of or has entered a plea of guilty or nolo contendere in a criminal prosecution to a criminal health care fraud offense or a criminal insurance fraud offense requiring intent under the laws of the State, the laws of any other state, or the laws of the United States of America, including, but not limited to, criminal Medicare or Medicaid fraud. A certified copy of the conviction or judgment shall be the basis for the suspension. If, after the issuance of the Department's order to suspend, a licensee requests a hearing, then the sole purpose of the hearing shall be limited to the length of the suspension of the licensee's license, as the conviction or judgment is a matter of record and may not be challenged.

(Source: P.A. 99-211, eff. 1-1-16; 100-262, eff. 8-22-17.)

(20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

Sec. 2105-205. Publication of disciplinary actions; annual report.

(a) The Department shall publish on its website, at least monthly, final disciplinary actions taken by the Department against a licensee or applicant pursuant to any licensing Act administered by the Department. The specific disciplinary action and the name of the applicant or licensee shall be listed.

(b) No later than May 1 of each year, the Department must prepare, publicly announce, and publish a report of summary statistical information relating to new license, certification, or registration applications during the preceding calendar year. Each report shall show at minimum:

(1) the number of applicants for each new license, certificate, or registration administered by the Department in the previous calendar year;

(2) the number of applicants for a new license, certificate, or registration within the previous calendar year who had any criminal conviction;

(3) the number of applicants for a new license, certificate, or registration in the previous calendar year

who were granted a license, registration, or certificate;

(4) the number of applicants for a new license, certificate, or registration within the previous calendar year with a criminal conviction who were granted a license, certificate, or registration in the previous calendar year;

(5) the number of applicants for a new license, certificate, or registration in the previous calendar year who were denied a license, registration, or certificate;

(6) the number of applicants for new license, certificate, or registration in the previous calendar year with a criminal conviction who were denied a license, certificate, or registration in part or in whole because of such conviction, including the types of criminal convictions;

(7) the number of licenses issued on probation within the previous calendar year to applicants with a criminal conviction; and

(8) the number of licensees or certificate holders whose records ~~who were granted expungement for a record~~ of discipline with the Department were sealed based on a conviction predating licensure, certification, or registration ~~or a criminal charge, arrest,~~ or a conviction that was dismissed, sealed, or expunged or did not arise from the regulated activity, as a share of the total such ~~expungement~~ requests to seal.

(Source: P.A. 102-105, eff. 1-1-22.)

(20 ILCS 2105/2105-207)

Sec. 2105-207. Records of Department actions; sealing of disciplinary records.

(a) Any licensee subject to a licensing Act administered by the Department and who has been subject to disciplinary action by the Department may file an application with the Department on forms provided by the Department, along with the required fee of $175, to have the records classified as confidential, not for public release, and considered sealed ~~expunged~~ for reporting purposes if:

(1) the application is submitted more than 3 years after the disciplinary offense or offenses occurred or after restoration of the license, whichever is later;

(2) the licensee has had no incidents of discipline under the licensing Act since the disciplinary offense or offenses identified in the application occurred;

(3) the Department has no pending investigations against the licensee; and

(4) the licensee is not currently in a disciplinary status.

(b) An application to make disciplinary records confidential shall only be considered by the Department for an offense or action relating to:

(1) failure to pay taxes;

(2) continuing education;

(3) failure to renew a license on time;

(4) failure to obtain or renew a certificate of registration or ancillary license;

(5) advertising;

(5.1) discipline based on criminal charges or convictions:

(A) that did not arise from the licensed activity and was unrelated to the licensed activity; or

(B) that were dismissed or for which records have been sealed or expunged;

(5.2) past probationary status of a license issued to new applicants on the sole or partial basis of prior convictions;

(6) any grounds for discipline removed from the licensing Act;

(7) failure to comply with workers' compensation requirements; or

(8) reprimand of a licensee.

(c) An application shall be submitted to and considered by the Director upon submission of an application and the required non-refundable fee. The Department may establish additional requirements by rule. ~~The Department is not required to report the removal of any disciplinary record to any national database. Nothing in this Section shall prohibit the Department from using a previous discipline for any~~

~~regulatory purpose or from releasing records of a previous discipline upon request from law enforcement, or other governmental body as permitted by law. Classification of records as confidential shall result in removal of records of discipline from records kept pursuant to Sections 2105-200 and 2105-205 of this Act.~~

(d) Any applicant for licensure or a licensee whose petition for review is granted by the Department pursuant to subsection (a-1) of Section 2105-165 of this Law may file an application with the Department on forms provided by the Department to have records relating to his or her permanent denial or permanent revocation classified as confidential and not for public release and considered sealed ~~expunged~~ for reporting purposes in the same manner and under the same terms as is provided in this Section for the offenses listed in subsection (b) of this Section, except that the requirements of a 3-year waiting period and the $175 application fee do not apply.

(e) Notwithstanding any other provisions of this Section, and unless otherwise required by law, the Department shall classify disciplinary records as confidential and remove final disciplinary actions from public record without application when:

(1) 5 years or more have lapsed since the later of: (A) entry of a final disciplinary order against the applicant or licensee or (B) restoration of the license after the

order;

(2) the licensee is not in disciplinary or probationary status, and there is no pending investigation against the licensee; and

(3) there have been no other incidents of discipline under any licensing Act regulated by the Department since the public discipline subject to review was entered or the license was restored.

The disciplinary offense or offenses that qualify under this subsection (e) do not include violations based on:

(A) convictions of health care workers for the offenses enumerated in Section 2105-165 unless a petition for review was granted pursuant to subsection (a-1) of Section 2105-165;

(B) forcible felony convictions as listed by the Criminal Code of 2012 or an equivalent law in any other jurisdiction, including under federal law;

(C) criminal acts that require registration under the Sex Offender Registration Act or sexual misconduct that is a violation of the Department's professional Acts;

(D) convictions of massage therapists for the offenses specified in subsections (c) and (c-5) of Section 45 of the Massage Therapy Practice Act; or

(E) felony convictions related to fraudulent activity, including, but not limited to, forgery, embezzlement, falsifying documentation, and defrauding the government.

If a disciplinary order consists of any of the convictions that do not qualify under this subsection (e), even in part, the disciplinary action shall not qualify for sealing under this subsection (e). The Department shall have up to 3 years after the effective date of this amendatory Act of the 104th General Assembly to fully implement the process of sealing records as provided in this subsection (e), subject to the availability of funds for the costs of programming and personnel required for the Department's implementation and the expenditure of Department resources.

(f) The Department may adopt additional requirements by rule. The Department is not required to report the removal of any disciplinary record from public record to any national database. Nothing in this Section shall prohibit the Department from using a previous discipline for any regulatory purpose, such as a factor in aggravation, in any future disciplinary proceeding. The Department shall not be prohibited from releasing records of a previous discipline upon request by law enforcement or other governmental bodies as permitted by law. Classification of records as confidential shall result in removal of records of discipline from records kept pursuant to Sections 2105-200 and 2105-205 of this Act.

(Source: P.A. 103-26, eff. 1-1-24.)

Section 15. The Health Care Professional Credentials Data Collection Act is amended by changing Section 51 as follows:

(410 ILCS 517/51)

Sec. 51. Licensure records. Licensure records designated confidential and considered sealed ~~expunged~~ for reporting purposes by the licensee under Section 2105-207 of the Civil Administrative Code of Illinois are not reportable under this Act.

(Source: P.A. 98-816, eff. 8-1-14; 99-78, eff. 7-20-15.)

Section 20. The Unified Code of Corrections is amended by changing Sections 5-5-5 and 5-5.5-25 as follows:

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

Sec. 5-5-5. Loss and restoration of rights.

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

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

(b-5) Notwithstanding any other provision of law, a person convicted of a felony, bribery, perjury, or other infamous crime for an offense committed on or after the effective date of this amendatory Act of the 103rd General Assembly and committed while he or she was serving as a public official in this State is ineligible to hold any local public office or any office created by the Constitution of this State unless the person's conviction is reversed, the person is again restored to such rights by the terms of a pardon for the offense, the person has received a restoration of rights by the Governor, or the person's rights are otherwise restored by law.

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

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

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

State or upon the court's own motion.

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

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

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

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

(2) the issuance of the license would involve an unreasonable risk to public safety and to the practice of the applicable profession; and ~~property or to the safety or welfare of specific individuals or the general public.~~

(3) the applicant meets any other limitations or factors detailed in the applicable professional Act.

In making such a determination, the licensing agency, in addition to its own requirements, may ~~shall~~ consider the following factors:

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

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

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

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

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

(6) the seriousness of the offense or offenses;

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

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of

specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued ~~only~~ for a license or certification issued under the following Acts, as well as all professional Acts regulated by the Division of Professional Regulation and the Division of Real Estate of the Department of Financial and Professional Regulation:

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

(2) the Illinois Athletic Trainers Practice Act;

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

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

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

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

(7) the Illinois Farm Labor Contractor Certification Act;

(8) the Registered Interior Designers Act;

(9) the Illinois Professional Land Surveyor Act of

1989;

(10) the Landscape Architecture Registration Act;

(11) the Marriage and Family Therapy Licensing Act;

(12) the Private Employment Agency Act;

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

(14) the Real Estate License Act of 2000;

(15) the Illinois Roofing Industry Licensing Act;

(16) the Professional Engineering Practice Act of 1989;

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

(18) the Electrologist Licensing Act;

(19) the Auction License Act;

(20) the Illinois Architecture Practice Act of 1989;

(21) the Dietitian Nutritionist Practice Act;

(22) the Environmental Health Practitioner Licensing Act;

(23) the Funeral Directors and Embalmers Licensing Code;

(24) (blank);

(25) the Professional Geologist Licensing Act;

(26) the Illinois Public Accounting Act; and

(27) the Structural Engineering Practice Act of 1989.

<u>Failure to obtain a certificate of relief from disabilities shall not be the sole reason for denial of a</u>

license specified in this subsection.

(Source: P.A. 102-284, eff. 8-6-21; 103-562, eff. 11-17-23.)

(730 ILCS 5/5-5.5-25)

Sec. 5-5.5-25. Certificate of good conduct.

(a) A certificate of good conduct may be granted as provided in this Section to relieve an eligible offender of any employment, occupational licensing, or housing bar. The certificate may be limited to one or more disabilities or bars or may relieve the individual of all disabilities and bars.

Notwithstanding any other provision of law, a certificate of good conduct does not relieve an offender of any employment-related disability imposed by law by reason of his or her conviction of a crime that would prevent his or her employment by the Department of Corrections, Department of Juvenile Justice, or any other law enforcement agency in the State.

(a-6) A certificate of good conduct may be granted as provided in this Section to an eligible offender as defined in Section 5-5.5-5 of this Code who has demonstrated by clear and convincing evidence that he or she has been ~~a~~ law-abiding ~~citizen~~ and is fully rehabilitated.

(b)(i) A certificate of good conduct may not, however, in any way prevent any judicial proceeding, administrative, licensing, or other body, board, or authority from considering the conviction specified in the certificate.

(ii) A certificate of good conduct shall not limit or prevent the introduction of evidence of a prior conviction for purposes of impeachment of a witness in a judicial or other proceeding where otherwise authorized by the applicable rules of evidence.

(iii) A certificate of good conduct does not limit any employer, landlord, judicial proceeding, administrative, licensing, or other body, board, or authority from accessing criminal background information; nor does it hide, alter, or expunge the record.

(c) An employer is not civilly or criminally liable for an act or omission by an employee who has been issued a certificate of good conduct, except for a willful or wanton act by the employer in hiring the employee who has been issued a certificate of good conduct.

(d) The existence of a certificate of good conduct does not preclude a landlord or an administrative, licensing, or other body, board, or authority from retaining full discretion to grant or deny the application for housing or licensure.

(Source: P.A. 101-154, eff. 1-1-20.)

(730 ILCS 5/5-5.5-50 rep.)

Section 25. The Unified Code of Corrections is amended by repealing Section 5-5.5-50.

Section 95. Report. Nothing in this Act shall be construed to eliminate the reporting requirements pursuant to Section 2105-205 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

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Statutes amended in order of appearance