



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4236

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

10 ILCS 5/29-15	from Ch. 46, par. 29-15
65 ILCS 5/3.1-10-5	from Ch. 24, par. 3.1-10-5
730 ILCS 5/5-5-5	from Ch. 38, par. 1005-5-5

Amends the Unified Code of Corrections. Provides that a person convicted of a felony, after the completion of his or her sentence, including the completion of his or her parole or mandatory supervised release term, shall be eligible to be nominated for, and elected to, an elective public office. Provides that the provision does not apply to a person convicted of a felony, bribery, perjury, or other infamous crime for an offense committed while he or she was serving as a public official in the State. Defines "elective public office". Amends the Election Code and the Illinois Municipal Code to make conforming changes.

LRB104 16939 RLC 30353 b

1 AN ACT concerning elected public office.

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
5 Section 29-15 as follows:

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

7 Sec. 29-15. Conviction deemed infamous. Except as
8 otherwise provided in subsection (b-6) of Section 5-5-5 of the
9 Unified Code of Corrections, any ~~Any~~ person convicted of an
10 infamous crime as such term is defined in Section 124-1 of the
11 Code of Criminal Procedure of 1963, as amended, shall
12 thereafter be prohibited from holding any office of honor,
13 trust, or profit, unless such person is again restored to such
14 rights by the terms of a pardon for the offense, has received a
15 restoration of rights by the Governor, or otherwise according
16 to law. Any time after a judgment of conviction is rendered, a
17 person convicted of an infamous crime may petition the
18 Governor for a restoration of rights.

19 The changes made to this Section by this amendatory Act of
20 the 102nd General Assembly are declarative of existing law.

21 (Source: P.A. 102-15, eff. 6-17-21.)

22 Section 10. The Illinois Municipal Code is amended by

1 changing Section 3.1-10-5 as follows:

2 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

3 Sec. 3.1-10-5. Qualifications; elective office.

4 (a) A person is not eligible for an elective municipal
5 office unless that person is a qualified elector of the
6 municipality and has resided in the municipality at least one
7 year next preceding the election or appointment, except as
8 provided in Section 3.1-20-25, subsection (b) of Section
9 3.1-25-75, Section 5-2-2, or Section 5-2-11.

10 (b) Except as otherwise provided in subsection (b-6) of
11 Section 5-5-5 of the Unified Code of Corrections, a ~~A~~ person is
12 not eligible to take the oath of office for a municipal office
13 if that person is, at the time required for taking the oath of
14 office, in arrears in the payment of a tax or other
15 indebtedness due to the municipality or has been convicted in
16 any court located in the United States of any infamous crime,
17 bribery, perjury, or other felony, unless such person is again
18 restored to his or her rights of citizenship that may have been
19 forfeited under Illinois law as a result of a conviction,
20 which includes eligibility to hold elected municipal office,
21 by the terms of a pardon for the offense, has received a
22 restoration of rights by the Governor, or otherwise according
23 to law. Any time after a judgment of conviction is rendered, a
24 person convicted of an infamous crime, bribery, perjury, or
25 other felony may petition the Governor for a restoration of

1 rights.

2 The changes made to this subsection by this amendatory Act
3 of the 102nd General Assembly are declarative of existing law
4 and apply to all persons elected at the April 4, 2017
5 consolidated election and to persons elected or appointed
6 thereafter.

7 (b-5) (Blank).

8 (c) A person is not eligible for the office of alderperson
9 of a ward unless that person has resided in the ward that the
10 person seeks to represent, and a person is not eligible for the
11 office of trustee of a district unless that person has resided
12 in the municipality, at least one year next preceding the
13 election or appointment, except as provided in Section
14 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2,
15 or Section 5-2-11.

16 (d) If a person (i) is a resident of a municipality
17 immediately prior to the active duty military service of that
18 person or that person's spouse, (ii) resides anywhere outside
19 of the municipality during that active duty military service,
20 and (iii) immediately upon completion of that active duty
21 military service is again a resident of the municipality, then
22 the time during which the person resides outside the
23 municipality during the active duty military service is deemed
24 to be time during which the person is a resident of the
25 municipality for purposes of determining the residency
26 requirement under subsection (a).

1 (Source: P.A. 102-15, eff. 6-17-21.)

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

4 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

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

24 (b-6) Except as otherwise provided in subsection (b-5) and

1 notwithstanding any other law, a person convicted of a felony,
2 after the completion of his or her sentence, including the
3 completion of his or her parole or mandatory supervised
4 release term, shall be eligible to be nominated for, and
5 elected to, an elective public office. As used in this
6 subsection (b-6), "elective public office" means an office for
7 which a person is elected that has been created by the
8 Constitution of this State, a law of this State, or a county or
9 municipal ordinance or referendum.

10 (c) A person sentenced to imprisonment shall lose his
11 right 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
15 and privileges granted under the authority of this State which
16 have been revoked or suspended because of conviction of an
17 offense shall be restored unless the authority having
18 jurisdiction of such license rights finds after investigation
19 and hearing that restoration is not in the public interest.
20 This paragraph (d) shall not apply to the suspension or
21 revocation of a license to operate a motor vehicle under the
22 Illinois Vehicle Code.

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

1 when the court believes it would assist in the rehabilitation
2 of the person and be consistent with the public welfare. Such
3 order may be entered upon the motion of the defendant or the
4 State or upon the court's own motion.

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

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

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

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

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

1 In making such a determination, the licensing agency shall
2 consider the following factors:

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

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

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

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

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

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

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

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

1 (i) A certificate of relief from disabilities shall be
2 issued only for a license or certification issued under the
3 following Acts:

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

11 (2) the Illinois Athletic Trainers Practice Act;

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

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

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

17 (6) the Illinois Certified Shorthand Reporters Act of
18 1984;

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

21 (8) the Registered Interior Designers Act;

22 (9) the Illinois Professional Land Surveyor Act of
23 1989;

24 (10) the Landscape Architecture Registration Act;

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

26 (12) the Private Employment Agency Act;

1 (13) the Professional Counselor and Clinical
2 Professional Counselor Licensing and Practice Act;
3 (14) the Real Estate License Act of 2000;
4 (15) the Illinois Roofing Industry Licensing Act;
5 (16) the Professional Engineering Practice Act of
6 1989;
7 (17) the Water Well and Pump Installation Contractor's
8 License Act;
9 (18) the Electrologist Licensing Act;
10 (19) the Auction License Act;
11 (20) the Illinois Architecture Practice Act of 1989;
12 (21) the Dietitian Nutritionist Practice Act;
13 (22) the Environmental Health Practitioner Licensing
14 Act;
15 (23) the Funeral Directors and Embalmers Licensing
16 Code;
17 (24) (blank);
18 (25) the Professional Geologist Licensing Act;
19 (26) the Illinois Public Accounting Act; and
20 (27) the Structural Engineering Practice Act of 1989.
21 (Source: P.A. 102-284, eff. 8-6-21; 103-562, eff. 11-17-23.)