



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4762

by Rep. Theresa Mah

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Makes changes in provisions concerning definitions; oaths, subpoenas, and penalties; applicants with criminal convictions; qualification for licensure or registration; health care worker licensure actions; automatic suspension of a health care worker's license; the publication of disciplinary actions; and records of Department actions. Amends the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985. In provisions concerning required licensure, provides that an application shall not be automatically placed on hold, delayed, denied, or otherwise not processed by the Department of Financial and Professional Regulation because it was submitted by a person who is incarcerated. Amends the Health Care Professional Credentials Data Collection Act. In provisions concerning licensure records, provides that licensure records designated confidential and considered sealed (rather than expunged) for reporting purposes by the licensee are not reportable under the Act. Amends the Unified Code of Corrections. In provisions concerning loss and restoration of rights, provides that no application for specific licenses granted under the authority of the State shall be denied to (rather than denied by reason of) an eligible offender who has obtained a certificate of relief from disabilities, having been previously convicted of one or more criminal offenses (rather than 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, except for certain circumstances. Repeals provisions concerning the Department of Financial and Professional Regulation's annual report to the General Assembly. Makes other changes. Effective immediately.

LRB104 17958 AAS 31395 b

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be referred to as the  
5 Reducing Barriers to Licensure Act.

6 Section 5. The Department of Professional Regulation Law  
7 of the Civil Administrative Code of Illinois is amended by  
8 changing Sections 2105-5, 2105-105, 2105-131, 2105-135,  
9 2105-165, 2105-170, 2105-205, and 2105-207 as follows:

10 (20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

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

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

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

1 jurisdiction.

2 "Department" means the Division of Professional Regulation  
3 and the Division of Real Estate of the Department of Financial  
4 and Professional Regulation. Any reference in this Article to  
5 the "Department of Professional Regulation" shall be deemed to  
6 mean the "Division of Professional Regulation and the Division  
7 of Real Estate of the Department of Financial and Professional  
8 Regulation".

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

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

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

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

26 "Licensee" means a person who holds or claims to hold a

1 license. An unlicensed person or entity that holds himself,  
2 herself, or itself out as a licensee or engages in a licensed  
3 activity shall be deemed to be a licensee for the purposes of  
4 investigation or disciplinary action.

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

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

10 (20 ILCS 2105/2105-105) (was 20 ILCS 2105/60d)

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

12 (a) Notwithstanding any provision of law to the contrary  
13 in any licensing Act, the ~~The~~ Department, by its Director or a  
14 person designated by him or her, is empowered, at any time  
15 during the course of any investigation or hearing conducted  
16 pursuant to any Act administered by the Department, to  
17 administer oaths, subpoena witnesses, take evidence, and  
18 compel the production of any books, papers, records, or any  
19 other documents that the Director, or a person designated by  
20 him or her, deems relevant or material to any such  
21 investigation or hearing conducted by the Department, ~~with the~~  
22 ~~same fees and mileage and in the same manner as prescribed by~~  
23 ~~law in judicial proceedings in civil cases in circuit courts~~  
24 ~~of this State.~~ Witnesses in hearings conducted under this  
25 Section are entitled to the same fees and mileage, and in the

1 same manner, as prescribed by law in judicial proceedings in  
2 civil cases of this State. Discovery or evidence depositions  
3 shall not be taken, except by agreement of the Department and  
4 registrant.

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

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

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

15 (20 ILCS 2105/2105-131)

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

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

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

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

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

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

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

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

19           (4.5) the nature and severity of the prior conviction  
20 and the relationship of the prior conviction to the safety  
21 and security of others ~~if, due to the applicant's criminal~~  
22 ~~conviction history, the applicant would be explicitly~~  
23 ~~prohibited by federal rules or regulations from working in~~  
24 ~~the position for which a license is sought;~~

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

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

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

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

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

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

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

1 is sought;

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

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

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

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

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

16 (20 ILCS 2105/2105-135)

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

20 (a) The practice of professions licensed or registered by  
21 the Department is hereby declared to affect the public health,  
22 safety, and welfare and to be subject to regulation and  
23 control in the public interest. It is further declared to be a  
24 matter of public interest and concern that persons who are  
25 licensed or registered to engage in any of the professions

1 licensed or registered by the Department perform the functions  
2 of those professions in a manner that does not harm or threaten  
3 harm to members of the public ~~are of good moral character,~~  
4 which shall be a continuing requirement of licensure or  
5 registration so as to merit and receive the confidence and  
6 trust of the public. Upon a finding by the Department that a  
7 person has committed a violation of the disciplinary grounds  
8 of any licensing Act administered by the Department with  
9 regard to licenses, certificates, or authorities of persons  
10 exercising the respective professions, trades, or occupations,  
11 the Department, in addition to any remedy authorized under the  
12 licensing Act, is authorized to revoke, suspend, refuse to  
13 renew, place on probationary status, fine, or take any other  
14 disciplinary or nondisciplinary action it deems warranted  
15 against any licensee or registrant whose conduct harms or  
16 threatens harm to members of the public, as long as the  
17 Department has considered the factors set forth in subsection  
18 (a) of Section 2105-131 of this Act ~~violates the continuing~~  
19 ~~requirement of good moral character.~~

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

1 ~~of rehabilitation and mitigating factors in the applicant's~~  
2 ~~record, including those~~ set forth in subsection (a) of Section  
3 2105-131 of this Act. A denial based on a finding of an  
4 applicant's lack of good moral character related to a prior  
5 conviction shall only be permitted when required by the  
6 relevant professional Act and after the Department has  
7 considered the factors set forth in subsection (a) of Section  
8 2105-131 of this Act.

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

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

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

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

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

1 report any arrests, and an arrest not followed by a  
2 conviction, if disclosed, shall not be the basis of a  
3 denial and may be used only to assess an applicant's  
4 rehabilitation;

5 (5) convictions overturned by a higher court; or

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

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

9 (20 ILCS 2105/2105-165)

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

12 (a) When a licensed health care worker, as defined in the  
13 Health Care Worker Self-Referral Act, (1) has been convicted  
14 of a criminal act that requires registration under the Sex  
15 Offender Registration Act; (1.5) has been convicted of  
16 involuntary sexual servitude of a minor under subsection (c)  
17 of Section 10-9 or subsection (b) of Section 10A-10 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012; (2) has  
19 been convicted of a criminal battery against any patient in  
20 the course of patient care or treatment, including any offense  
21 based on sexual conduct or sexual penetration; (3) has been  
22 convicted of a forcible felony; or (4) is required as a part of  
23 a criminal sentence to register under the Sex Offender  
24 Registration Act, then, notwithstanding any other provision of  
25 law to the contrary, except as provided in this Section, the

1 license of the health care worker shall by operation of law be  
2 permanently revoked without a hearing.

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

18 (1) the seriousness of the offense;

19 (2) the presence of multiple offenses;

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

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

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

4 (6) the motive for the offense;

5 (7) the lack of contrition for the offense;

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

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

14 (10) contrition for the offense;

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

17 (12) restitution to injured parties;

18 (13) whether the misconduct was self-reported;

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

21 (15) the date of conviction.

22 (b) No person who has been convicted of any offense listed  
23 in subsection (a) or required to register as a sex offender may  
24 receive a license as a health care worker in Illinois. The  
25 process for petition and review by the Department provided in  
26 subsection (a-1) shall also apply to a person whose

1 application for licensure is denied pursuant to item (3) of  
2 subsection (a) of this Section for a conviction of a forcible  
3 felony, other than a forcible felony requiring registration  
4 under the Sex Offender Registration Act, involuntary sexual  
5 servitude of a minor that is a forcible felony, or a criminal  
6 battery against any patient in the course of patient care or  
7 treatment, who is not required to register as a sex offender.

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

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

14 (d) Nothing contained in this Section shall act in any way  
15 to waive or modify the confidentiality of information provided  
16 by the prosecuting attorney to the extent provided by law. Any  
17 information reported or disclosed shall be kept for the  
18 confidential use of the Secretary, Department attorneys, the  
19 investigative staff, and authorized clerical staff and shall  
20 be afforded the same status as is provided information under  
21 Part 21 of Article VIII of the Code of Civil Procedure, except  
22 that the Department may disclose information and documents to  
23 (1) a federal, State, or local law enforcement agency pursuant  
24 to a subpoena in an ongoing criminal investigation or (2) an  
25 appropriate licensing authority of another state or  
26 jurisdiction pursuant to an official request made by that

1 authority. Any information and documents disclosed to a  
2 federal, State, or local law enforcement agency may be used by  
3 that agency only for the investigation and prosecution of a  
4 criminal offense. Any information or documents disclosed by  
5 the Department to a professional licensing authority of  
6 another state or jurisdiction may only be used by that  
7 authority for investigations and disciplinary proceedings with  
8 regards to a professional license.

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

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

26 (g) The Department may adopt rules necessary to implement

1 this Section.

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

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

9 (20 ILCS 2105/2105-170)

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

1 conviction or judgment is a matter of record and may not be  
2 challenged.

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

4 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

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

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

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

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

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

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

1 who were granted a license, registration, or certificate;

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

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

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

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

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

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

2 (20 ILCS 2105/2105-207)

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

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

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

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

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

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

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

25 (1) failure to pay taxes;

- 1 (2) continuing education;
- 2 (3) failure to renew a license on time;
- 3 (4) failure to obtain or renew a certificate of  
4 registration or ancillary license;
- 5 (5) advertising;
- 6 (5.1) discipline based on criminal charges or  
7 convictions:
- 8 (A) that did not arise from the licensed activity  
9 and was unrelated to the licensed activity; or
- 10 (B) that were dismissed or for which records have  
11 been sealed or expunged;
- 12 (5.2) past probationary status of a license issued to  
13 new applicants on the sole or partial basis of prior  
14 convictions;
- 15 (6) any grounds for discipline removed from the  
16 licensing Act;
- 17 (7) failure to comply with workers' compensation  
18 requirements; or
- 19 (8) reprimand of a licensee.
- 20 (c) An application shall be submitted to and considered by  
21 the Director upon submission of an application and the  
22 required non-refundable fee. The Department may establish  
23 additional requirements by rule. ~~The Department is not~~  
24 ~~required to report the removal of any disciplinary record to~~  
25 ~~any national database. Nothing in this Section shall prohibit~~  
26 ~~the Department from using a previous discipline for any~~

1 ~~regulatory purpose or from releasing records of a previous~~  
2 ~~discipline upon request from law enforcement, or other~~  
3 ~~governmental body as permitted by law. Classification of~~  
4 ~~records as confidential shall result in removal of records of~~  
5 ~~discipline from records kept pursuant to Sections 2105-200 and~~  
6 ~~2105-205 of this Act.~~

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

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

24 (1) 10 years prior or more, a final disciplinary order  
25 was entered against the applicant or upon restoration of  
26 the license after the order, whichever date is later;

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

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

8           The disciplinary offense or offenses that qualify under  
9           this subsection (e) do not include:

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

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

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

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

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

25           If a disciplinary order consists of any of the convictions  
26           that do not qualify under this subsection (e), even in part,

1 the disciplinary action shall not qualify for sealing under  
2 this subsection (e). The Department shall have up to 3 years  
3 after the effective date of this amendatory Act of the 104th  
4 General Assembly to fully implement the process of sealing  
5 records as provided in this subsection (e), subject to  
6 appropriation for the costs of programming and personnel  
7 required for the Department's implementation and the  
8 expenditure of Department resources.

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

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

22 Section 10. The Barber, Cosmetology, Esthetics, Hair  
23 Braiding, and Nail Technology Act of 1985 is amended by  
24 changing Section 1-7 as follows:

1 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

2 (Section scheduled to be repealed on January 1, 2031)

3 Sec. 1-7. Licensure required; renewal; restoration.

4 (a) It is unlawful for any person to practice, or to hold  
5 oneself out to be a cosmetologist, esthetician, nail  
6 technician, hair braider, or barber without a license as a  
7 cosmetologist, esthetician, nail technician, hair braider or  
8 barber issued by the Department pursuant to the provisions of  
9 this Act and of the Civil Administrative Code of Illinois. It  
10 is also unlawful for any person, firm, partnership, limited  
11 liability company, professional limited liability company,  
12 corporation, or professional service corporation to own,  
13 operate, or conduct a cosmetology, esthetics, nail technology,  
14 hair braiding, or barber school without a license issued by  
15 the Department or to own or operate a cosmetology, esthetics,  
16 nail technology, or hair braiding salon, barber shop, or other  
17 business subject to the registration requirements of this Act  
18 without a certificate of registration issued by the Department  
19 or to present continuing education courses or programs to  
20 cosmetologists, estheticians, nail technicians, hair braiders,  
21 or teachers of these professions without a license issued by  
22 the Department. It is further unlawful for any person to teach  
23 in any cosmetology, esthetics, nail technology, hair braiding,  
24 or barber college or school licensed by the Department or hold  
25 himself or herself out as a cosmetology, esthetics, hair  
26 braiding, nail technology, or barber teacher without a license

1 as a teacher, issued by the Department or as a cosmetology  
2 clinic teacher without a license as a cosmetology clinic  
3 teacher issued by the Department.

4 (b) Notwithstanding any other provision of this Act, a  
5 person licensed as a cosmetologist may hold oneself out as an  
6 esthetician and may engage in the practice of esthetics, as  
7 defined in this Act, without being licensed as an esthetician.  
8 A person licensed as a cosmetology teacher may teach esthetics  
9 or hold oneself out as an esthetics teacher without being  
10 licensed as an esthetics teacher. A person licensed as a  
11 cosmetologist may hold oneself out as a nail technician and  
12 may engage in the practice of nail technology, as defined in  
13 this Act, without being licensed as a nail technician. A  
14 person licensed as a cosmetology teacher may teach nail  
15 technology and hold oneself out as a nail technology teacher  
16 without being licensed as a nail technology teacher. A person  
17 licensed as a cosmetologist may hold oneself out as a hair  
18 braider and may engage in the practice of hair braiding, as  
19 defined in this Act, without being licensed as a hair braider.  
20 A person licensed as a cosmetology teacher may teach hair  
21 braiding and hold oneself out as a hair braiding teacher  
22 without being licensed as a hair braiding teacher.

23 (c) A person licensed as a barber teacher may hold oneself  
24 out as a barber and may practice barbering without a license as  
25 a barber. A person licensed as a cosmetology teacher may hold  
26 oneself out as a cosmetologist, esthetician, hair braider, and

1 nail technologist and may practice cosmetology, esthetics,  
2 hair braiding, and nail technology without a license as a  
3 cosmetologist, esthetician, hair braider, or nail  
4 technologist. A person licensed as an esthetics teacher may  
5 hold oneself out as an esthetician without being licensed as  
6 an esthetician and may practice esthetics. A person licensed  
7 as a nail technician teacher may practice nail technology and  
8 may hold oneself out as a nail technologist without being  
9 licensed as a nail technologist. A person licensed as a hair  
10 braiding teacher may practice hair braiding and may hold  
11 oneself out as a hair braider without being licensed as a hair  
12 braider.

13 (c-5) A person with an active license as a cosmetologist  
14 may obtain or restore an additional license as an esthetician,  
15 nail technician, or hair braider without having to complete  
16 the additional licensure requirements for each profession,  
17 other than payment of the fee, by filing an application  
18 provided by the Department for each additional license. A  
19 person with an active license as a cosmetology teacher may  
20 obtain or restore an additional license as an esthetics  
21 teacher, nail technology teacher, or hair braider teacher  
22 without having to complete the additional licensure  
23 requirements for each profession, other than payment of the  
24 fee, by filing an application provided by the Department for  
25 each additional license. A person with an active license as a  
26 cosmetology teacher may obtain or restore an additional

1 license as a cosmetologist, esthetician, nail technician, or  
2 hair braider without having to complete the additional  
3 licensure requirements for each profession, other than payment  
4 of the fee, by filing an application provided by the  
5 Department for each additional license. A person with an  
6 active license as a barber teacher may also obtain or restore a  
7 barber license without having to complete the additional  
8 licensure requirements, other than payment of the fee, by  
9 filing an application provided by the Department. A person  
10 with an active license as an esthetics teacher may also obtain  
11 or restore an esthetician license without having to complete  
12 the additional licensure requirements, other than payment of  
13 the fee, by filing an application provided by the Department.  
14 A person with an active license as a nail technology teacher  
15 may also obtain or restore a nail technician license without  
16 having to complete the additional licensure requirements,  
17 other than payment of the fee, by filing an application  
18 provided by the Department. A person with an active license as  
19 a hair braiding teacher may also obtain or restore a hair  
20 braider license without having to complete the additional  
21 licensure requirements, other than payment of the fee, filing  
22 an application provided by the Department. The Department may  
23 provide for other requirements for obtaining or restoring  
24 additional licenses by rule.

25 (d) The holder of a license issued under this Act may renew  
26 that license during the month preceding the expiration date of

1 the license by paying the required fee.

2 (e) The expiration date, renewal period, and conditions  
3 for renewal and restoration of each license shall be  
4 established by rule.

5 (f) A license issued under the provisions of this Act as a  
6 barber, barber teacher, cosmetologist, cosmetology teacher,  
7 cosmetology clinic teacher, esthetician, esthetics teacher,  
8 nail technician, nail technician teacher, hair braider, or  
9 hair braiding teacher that has expired while the holder of the  
10 license was engaged (1) in federal service on active duty with  
11 the Army, Navy, Marine Corps, Air Force, Space Force, or Coast  
12 Guard of the United States of America, or any Women's  
13 Auxiliary thereof, or the State Militia called into the  
14 service or training of the United States of America or (2) in  
15 training or education under the supervision of the United  
16 States preliminary to induction into the military service, may  
17 be reinstated or restored without payment of any lapsed  
18 renewal fees, reinstatement fee, or restoration fee if within  
19 2 years after the termination of such service, training, or  
20 education other than by dishonorable discharge, the holder  
21 furnishes the Department with an affidavit to the effect that  
22 the holder has been so engaged and that the holder's service,  
23 training, or education has been so terminated.

24 (g) For the purposes of this subsection (g), "person who  
25 is incarcerated" means a person who is committed to the  
26 Department of Corrections, a Federal Bureau of Prisons

1 facility, a county jail, a county department of corrections,  
2 or another jurisdiction's correctional facility.

3 An application shall not be automatically placed on hold,  
4 delayed, denied, or otherwise not processed by the Department  
5 because it was submitted by a person who is incarcerated. The  
6 Department shall process applications for the original  
7 licensure or restoration of the license of a person who is  
8 incarcerated without any additional requirements or delays,  
9 and the Department shall issue original licenses or restore  
10 the licenses of persons who are incarcerated who have  
11 submitted an application and who otherwise qualify for  
12 licensure. The Secretary shall waive the 3-year time  
13 limitations under subsections (c) and (d) of Section 4-5 for a  
14 person who was incarcerated at the time of the application.

15 (Source: P.A. 103-746, eff. 1-1-25; 104-153, eff. 1-1-26.)

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

18 (410 ILCS 517/51)

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

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

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

3           (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) the specific duties and responsibilities

1 necessarily related to the license being sought;

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

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

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

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

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

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

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

26 (1) the Animal Welfare Act; except that a certificate

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

7 (2) the Illinois Athletic Trainers Practice Act;

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

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

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

13 (6) the Illinois Certified Shorthand Reporters Act of  
14 1984;

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

17 (8) the Registered Interior Designers Act;

18 (9) the Illinois Professional Land Surveyor Act of  
19 1989;

20 (10) the Landscape Architecture Registration Act;

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

22 (12) the Private Employment Agency Act;

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

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

26 (15) the Illinois Roofing Industry Licensing Act;

1           (16) the Professional Engineering Practice Act of  
2           1989;

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

5           (18) the Electrologist Licensing Act;

6           (19) the Auction License Act;

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

8           (21) the Dietitian Nutritionist Practice Act;

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

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

13          (24) (blank);

14          (25) the Professional Geologist Licensing Act;

15          (26) the Illinois Public Accounting Act; and

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

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

18                 (730 ILCS 5/5-5.5-25)

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

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

25                 Notwithstanding any other provision of law, a certificate

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

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

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

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

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

26 (c) An employer is not civilly or criminally liable for an

1 act or omission by an employee who has been issued a  
2 certificate of good conduct, except for a willful or wanton  
3 act by the employer in hiring the employee who has been issued  
4 a certificate of good conduct.

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

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

10 (730 ILCS 5/5-5.5-50 rep.)

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

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

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

1

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

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

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20 ILCS 2105/2105-131

6

20 ILCS 2105/2105-135

7

20 ILCS 2105/2105-165

8

20 ILCS 2105/2105-170

9

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

10

20 ILCS 2105/2105-207

11

225 ILCS 410/1-7 from Ch. 111, par. 1701-7

12

410 ILCS 517/51

13

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

14

730 ILCS 5/5-5.5-25

15

730 ILCS 5/5-5.5-50 rep.