

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

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

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.

(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;

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~~

~~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

1 order;

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

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

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

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

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

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

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

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

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

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

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

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

1 (410 ILCS 517/51)

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

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

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

10 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

19 (b-5) Notwithstanding any other provision of law, a person
20 convicted of a felony, bribery, perjury, or other infamous
21 crime for an offense committed on or after the effective date
22 of this amendatory Act of the 103rd General Assembly and
23 committed while he or she was serving as a public official in

1 this State is ineligible to hold any local public office or any
2 office created by the Constitution of this State unless the
3 person's conviction is reversed, the person is again restored
4 to such rights by the terms of a pardon for the offense, the
5 person has received a restoration of rights by the Governor,
6 or the person's rights are otherwise restored by law.

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

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

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

1 State or upon the court's own motion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (8) the legitimate interest of the licensing agency in
26 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

1 1989;

2 (10) the Landscape Architecture Registration Act;

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

4 (12) the Private Employment Agency Act;

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

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

8 (15) the Illinois Roofing Industry Licensing Act;

9 (16) the Professional Engineering Practice Act of
10 1989;

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

13 (18) the Electrologist Licensing Act;

14 (19) the Auction License Act;

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

16 (21) the Dietitian Nutritionist Practice Act;

17 (22) the Environmental Health Practitioner Licensing
18 Act;

19 (23) the Funeral Directors and Embalmers Licensing
20 Code;

21 (24) (blank);

22 (25) the Professional Geologist Licensing Act;

23 (26) the Illinois Public Accounting Act; and

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

25 Failure to obtain a certificate of relief from
26 disabilities shall not be the sole reason for denial of a

1 license specified in this subsection.

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

3 (730 ILCS 5/5-5.5-25)

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

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

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

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

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

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

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

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

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

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

21 (730 ILCS 5/5-5.5-50 rep.)

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

24 Section 95. Report. Nothing in this Act shall be construed

1 to eliminate the reporting requirements pursuant to Section
2 2105-205 of the Department of Professional Regulation Law of
3 the Civil Administrative Code of Illinois.

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

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

1 INDEX

2 Statutes amended in order of appearance

3	20 ILCS 2105/2105-5	was 20 ILCS 2105/60b
4	20 ILCS 2105/2105-105	was 20 ILCS 2105/60d
5	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.	