**Section 4515.140 Felony Offense Review**

a) The Director and the Department will not require applicants or certificate holders to report the following information and will not collect and consider the following criminal history records in connection with a certificate under this Part:

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

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

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

4) Records of arrest where charges were dismissed unless related to the duties and responsibilities of a Navigator, Certified Application Counselor, or In-Person Counselor. However, individuals will not be asked to report any arrests, and any arrest not followed by a conviction will not be the basis of disciplinary action by the Director and may be used only to assess an individual's rehabilitation. Nothing in this subsection relieves a Navigator or Certified Application Counselor certificate holder of the requirement to report any criminal prosecution taken in any jurisdiction to the extent provided in Section 35 of the Act;

5) Convictions overturned by a higher court;

6) Convictions or arrests that have been sealed or expunged.

b) The Director, upon a finding that an individual was previously convicted of a felony, will consider any mitigating factors and evidence of rehabilitation contained in the individual's record, including any of the following factors and evidence, to determine if a certificate may be denied, suspended, or revoked because the prior conviction will impair the individual's ability to engage in the position for which a certificate is sought:

1) the bearing, if any, of the offense for which the individual was previously convicted on the duties and functions of the position for which a certificate is sought;

2) whether the conviction suggests a future propensity to endanger the safety and property of others while performing the duties and responsibilities for which a certificate is sought;

3) whether 5 years since a felony conviction or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;

4) if the individual was previously certified or employed in this State or other states or jurisdictions, then the lack of prior misconduct arising from or related to the certified position or position of employment;

5) the individual's age at the time of the criminal offense;

6) successful completion of sentence and, for individuals serving a term of parole or probation, a progress report provided by the individual's probation or parole officer that documents the individual's compliance with conditions of supervision;

7) evidence of the individual's present fitness and professional character;

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

9) any other mitigating factors that contribute to the person's potential and current ability to perform the duties and responsibilities of a certificate holder.

c) If the Director denies, suspends, or revokes a certificate based upon a conviction or convictions in whole or in part, then the Director will notify the applicant of the disciplinary action in writing with the following included in the notice:

1) a statement about the decision to deny, suspend, or revoke the certificate;

2) a list of convictions that the Director determined will impair the individual's ability to engage in the position for which the certificate is sought;

3) a list of the convictions that were the sole or partial basis for the disciplinary action; and

4) a summary of the appeal process or the earliest the individual may reapply for a certificate, whichever applies.

(Source: Amended at 48 Ill. Reg. 12343, effective August 1, 2024)