



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3822

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Identification Act. Requires that applications for certification, registration, and licensure must contain specific language that states that the applicant is not obligated to disclose sealed or expunged records of conviction or arrest and prohibits entities authorized to grant professional licenses, certifications, and registrations from asking if an applicant has had records sealed or expunged. Provides that certain sealed or impounded felony records shall not be disseminated in connection with an application for a professional or business license, registration, or certification, except specified health care worker licenses. Amends various professional licensing Acts with the following changes: Provides that the licensing agency must find that a license applicant has not committed certain acts or has been sufficiently rehabilitated to approve the application. In provisions concerning license denial, nonrenewal, or revocation for conviction of a felony, allows the licensing agency to issue a license with monitoring requirements and provides for an exception if an individual demonstrates to the licensing agency sufficient rehabilitation to warrant the public trust. Provides that the licensing agency shall not require applicants to report certain criminal history information and the licensing agency shall not consider the information. Requires the licensing agency to consider certain mitigating factors and evidence of rehabilitation for license applicants. Requires the licensing agency, upon denial of a license, to provide the applicant certain information concerning the denial. Provides that on May 1 of each year, the licensing agency shall prepare, publicly announce, and publish certain statistical information. Makes other changes. Effective January 1, 2018.

LRB100 08546 SMS 18671 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Illinois Lottery Law is amended by changing
5 Section 10.1 and by adding Section 10.1b as follows:

6 (20 ILCS 1605/10.1) (from Ch. 120, par. 1160.1)

7 Sec. 10.1. The following are ineligible for any license
8 under this Act:

9 (a) any person ~~who has been~~ convicted of a felony who
10 is not sufficiently rehabilitated following the
11 conviction;

12 (b) any person who is or has been a professional
13 gambler or gambling promoter;

14 (c) any person who has engaged in bookmaking or other
15 forms of illegal gambling;

16 (d) any person who is not of good character and
17 reputation in the community in which he resides;

18 (e) any person who has been found guilty of any fraud
19 or misrepresentation in any connection;

20 (f) any firm or corporation in which a person defined
21 in (a), (b), (c), (d) or (e) has a proprietary, equitable
22 or credit interest of 5% or more.

23 (g) any organization in which a person defined in (a),

1 (b), (c), (d) or (e) is an officer, director, or managing
2 agent, whether compensated or not;

3 (h) any organization in which a person defined in (a),
4 (b), (c), (d), or (e) is to participate in the management
5 or sales of lottery tickets or shares.

6 However, with respect to persons defined in (a), the
7 Department may grant any such person a license under this Act
8 when:

9 (1) a period of 5 years after the conviction or 3 years
10 since release from confinement, whichever is later; 1) at
11 least 10 years have elapsed since the date when the
12 sentence for the most recent such conviction was
13 satisfactorily completed;

14 (2) 2) the applicant has no history of criminal
15 activity subsequent to such conviction;

16 (2.5) the applicant completed their sentence
17 successfully and, for applicants serving a term of parole
18 or probation, the applicant's probation or parole officer
19 provides a progress report that documents the applicant's
20 compliance with conditions of supervision;

21 (3) (blank); and 3) the applicant has complied with all
22 conditions of probation, conditional discharge,
23 supervision, parole or mandatory supervised release; and

24 (4) 4) the applicant presents at least 3 letters of
25 recommendation from responsible citizens in his community
26 who personally can attest that the character and attitude

1 of the applicant indicate that he is unlikely to commit
2 another crime or the applicant provides other evidence of
3 rehabilitation or rehabilitative effort during or after
4 incarceration, or during or after a term of supervision,
5 including, but not limited to, a certificate of good
6 conduct under Section 5-5.5-25 of the Unified Code of
7 Corrections or a certificate of relief from disabilities
8 under Section 5-5.5-10 of the Unified Code of Corrections.

9 The Department may revoke, without notice or a hearing, the
10 license of any agent who violates this Act or any rule or
11 regulation promulgated pursuant to this Act. However, if the
12 Department does revoke a license without notice and an
13 opportunity for a hearing, the Department shall, by appropriate
14 notice, afford the person whose license has been revoked an
15 opportunity for a hearing within 30 days after the revocation
16 order has been issued. As a result of any such hearing, the
17 Department may confirm its action in revoking the license, or
18 it may order the restoration of such license.

19 (Source: P.A. 97-464, eff. 10-15-11.)

20 (20 ILCS 1605/10.1b new)

21 Sec. 10.1b. Applicant convictions.

22 (a) It is the affirmative obligation of the Department to
23 demonstrate that a prior conviction would impair the ability of
24 the applicant to engage in the licensed practice. If the
25 Department refuses to issue a license to an applicant, then the

1 Department shall notify the applicant of the denial in writing
2 with the following included in the notice of denial:

3 (1) a statement about the decision to refuse to issue a
4 license;

5 (2) a list of the convictions that formed the sole or
6 partial basis for the refusal to issue a license;

7 (3) a list of the mitigating evidence presented by the
8 applicant;

9 (4) reasons for refusing to issue a license specific to
10 the evidence presented in mitigation of conviction items
11 that formed the partial or sole basis for the Department's
12 decision; and

13 (5) a summary of the appeal process or the earliest the
14 applicant may reapply for a license, whichever is
15 applicable.

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

21 (1) the number of applicants for new or renewal license
22 under this Act within the previous calendar year;

23 (2) the number of applicants for new or renewal license
24 under this Act within the previous calendar year who had
25 any criminal conviction;

26 (3) the number of applicants for new or renewal license

1 under this Act in the previous calendar year who were
2 granted a license;

3 (4) the number of applicants for new or renewal license
4 with a criminal conviction who were granted a license under
5 this Act within the previous calendar year;

6 (5) the number of applicants for new or renewal license
7 under this Act within the previous calendar year who were
8 denied a license;

9 (6) the number of applicants for new or renewal license
10 with a criminal conviction who were denied a license under
11 this Act in the previous calendar year in whole or in part
12 because of a prior conviction;

13 (7) the number of probationary licenses without
14 monitoring issued under this Act in the previous calendar
15 year to applicants with criminal conviction; and

16 (8) the number of probationary licenses with
17 monitoring issued under this Act in the previous calendar
18 year to applicants with criminal conviction.

19 (c) The Department shall not require the applicant to
20 report the following information and shall not consider the
21 following criminal history records in connection with an
22 application for licensure:

23 (1) Juvenile adjudications of delinquent minors as
24 defined in Section 5-105 of the Juvenile Court Act of 1987
25 subject to the restrictions set forth in Section 5-130 of
26 the Juvenile Court Act of 1987.

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

6 (3) Records of arrest not followed by a conviction.

7 (4) Convictions overturned by a higher court.

8 (5) Convictions or arrests that have been sealed or
9 expunged.

10 Section 10. The Criminal Identification Act is amended by
11 changing Sections 12 and 13 as follows:

12 20 ILCS 2630/12)

13 Sec. 12. Entry of order; effect of expungement or sealing
14 records.

15 (a) Except with respect to law enforcement agencies, the
16 Department of Corrections, State's Attorneys, or other
17 prosecutors, and as provided in Section 13 of this Act, an
18 expunged or sealed record may not be considered by any private
19 or public entity in employment matters, certification,
20 licensing, revocation of certification or licensure, or
21 registration. Applications for employment, certification,
22 registration, or licensure must contain specific language
23 which states that the applicant is not obligated to disclose
24 sealed or expunged records of conviction or arrest. Employers

1 and entities authorized to grant professional licenses,
2 certification, or registration may not ask if an applicant has
3 had records expunged or sealed.

4 (b) A person whose records have been sealed or expunged is
5 not entitled to remission of any fines, costs, or other money
6 paid as a consequence of the sealing or expungement. This
7 amendatory Act of the 93rd General Assembly does not affect the
8 right of the victim of a crime to prosecute or defend a civil
9 action for damages. Persons engaged in civil litigation
10 involving criminal records that have been sealed may petition
11 the court to open the records for the limited purpose of using
12 them in the course of litigation.

13 (Source: P.A. 93-211, eff. 1-1-04; 93-1084, eff. 6-1-05.)

14 (20 ILCS 2630/13)

15 Sec. 13. Retention and release of sealed records.

16 (a) The Department of State Police shall retain records
17 sealed under subsection (c) or (e-5) of Section 5.2 or
18 impounded under subparagraph (B) or (B-5) of paragraph (9) of
19 subsection (d) of Section 5.2 and shall release them only as
20 authorized by this Act. Felony records sealed under subsection
21 (c) or (e-5) of Section 5.2 or impounded under subparagraph (B)
22 or (B-5) of paragraph (9) of subsection (d) of Section 5.2
23 shall be used and disseminated by the Department only as
24 otherwise specifically required or authorized by a federal or
25 State law, rule, or regulation that requires inquiry into and

1 release of criminal records, including, but not limited to,
2 subsection (A) of Section 3 of this Act, except these records
3 shall not be used or disseminated in connection with an
4 application for any professional or business licensure,
5 registration, or certification not involving a health care
6 worker position, as defined in the Health Care Worker
7 Self-Referral Act. However, all requests for records that have
8 been expunged, sealed, and impounded and the use of those
9 records are subject to the provisions of Section 2-103 of the
10 Illinois Human Rights Act. Upon conviction for any offense, the
11 Department of Corrections shall have access to all sealed
12 records of the Department pertaining to that individual.

13 (b) Notwithstanding the foregoing, all sealed or impounded
14 records are subject to inspection and use by the court and
15 inspection and use by law enforcement agencies and State's
16 Attorneys or other prosecutors in carrying out the duties of
17 their offices.

18 (c) The sealed or impounded records maintained under
19 subsection (a) are exempt from disclosure under the Freedom of
20 Information Act.

21 (d) The Department of State Police shall commence the
22 sealing of records of felony arrests and felony convictions
23 pursuant to the provisions of subsection (c) of Section 5.2 of
24 this Act no later than one year from the date that funds have
25 been made available for purposes of establishing the
26 technologies necessary to implement the changes made by this

1 amendatory Act of the 93rd General Assembly.

2 (Source: P.A. 97-1026, eff. 1-1-13; 97-1120, eff. 1-1-13;
3 98-399, eff. 8-16-13; 98-463, eff. 8-16-13.)

4 Section 15. The Cigarette Tax Act is amended by changing
5 Sections 4, 4b, and 4c and by adding Section 4i as follows:

6 (35 ILCS 130/4) (from Ch. 120, par. 453.4)

7 Sec. 4. Distributor's license. No person may engage in
8 business as a distributor of cigarettes in this State within
9 the meaning of the first 2 definitions of distributor in
10 Section 1 of this Act without first having obtained a license
11 therefor from the Department. Application for license shall be
12 made to the Department in form as furnished and prescribed by
13 the Department. Each applicant for a license under this Section
14 shall furnish to the Department on the form signed and verified
15 by the applicant under penalty of perjury the following
16 information:

17 (a) The name and address of the applicant;

18 (b) The address of the location at which the applicant
19 proposes to engage in business as a distributor of
20 cigarettes in this State;

21 (c) Such other additional information as the
22 Department may lawfully require by its rules and
23 regulations.

24 The annual license fee payable to the Department for each

1 distributor's license shall be \$250. The purpose of such annual
2 license fee is to defray the cost, to the Department, of
3 serializing cigarette tax stamps. Each applicant for license
4 shall pay such fee to the Department at the time of submitting
5 his application for license to the Department.

6 Every applicant who is required to procure a distributor's
7 license shall file with his application a joint and several
8 bond. Such bond shall be executed to the Department of Revenue,
9 with good and sufficient surety or sureties residing or
10 licensed to do business within the State of Illinois, in the
11 amount of \$2,500, conditioned upon the true and faithful
12 compliance by the licensee with all of the provisions of this
13 Act. Such bond, or a reissue thereof, or a substitute therefor,
14 shall be kept in effect during the entire period covered by the
15 license. A separate application for license shall be made, a
16 separate annual license fee paid, and a separate bond filed,
17 for each place of business at which a person who is required to
18 procure a distributor's license under this Section proposes to
19 engage in business as a distributor in Illinois under this Act.

20 The following are ineligible to receive a distributor's
21 license under this Act:

22 (1) a person who is not of good character and
23 reputation in the community in which he resides; the
24 Department may consider past conviction of a felony but
25 the conviction shall not operate as an absolute bar to
26 licensure;

1 (2) a person who has been convicted of a felony
2 under any Federal or State law, if the Department,
3 after investigation and a hearing and consideration of
4 mitigating factors and evidence of rehabilitation
5 contained in the applicant's record, including those
6 in Section 4i , ~~if requested by the applicant,~~
7 determines that such person has not been sufficiently
8 rehabilitated to warrant the public trust;

9 (3) a corporation, if any officer, manager or
10 director thereof, or any stockholder or stockholders
11 owning in the aggregate more than 5% of the stock of
12 such corporation, would not be eligible to receive a
13 license under this Act for any reason;

14 (4) a person, or any person who owns more than 15
15 percent of the ownership interests in a person or a
16 related party who:

17 (a) owes, at the time of application, any
18 delinquent cigarette taxes that have been
19 determined by law to be due and unpaid, unless the
20 license applicant has entered into an agreement
21 approved by the Department to pay the amount due;

22 (b) had a license under this Act revoked within
23 the past two years by the Department for misconduct
24 relating to stolen or contraband cigarettes or has
25 been convicted of a State or federal crime,
26 punishable by imprisonment of one year or more,

1 relating to stolen or contraband cigarettes;

2 (c) manufactures cigarettes, whether in this
3 State or out of this State, and who is neither (i)
4 a participating manufacturer as defined in
5 subsection II(jj) of the "Master Settlement
6 Agreement" as defined in Sections 10 of the Tobacco
7 Products Manufacturers' Escrow Act and the Tobacco
8 Products Manufacturers' Escrow Enforcement Act of
9 2003 (30 ILCS 168/10 and 30 ILCS 167/10); nor (ii)
10 in full compliance with Tobacco Products
11 Manufacturers' Escrow Act and the Tobacco Products
12 Manufacturers' Escrow Enforcement Act of 2003 (30
13 ILCS 168/ and 30 ILCS 167/);

14 (d) has been found by the Department, after
15 notice and a hearing, to have imported or caused to
16 be imported into the United States for sale or
17 distribution any cigarette in violation of 19
18 U.S.C. 1681a;

19 (e) has been found by the Department, after
20 notice and a hearing, to have imported or caused to
21 be imported into the United States for sale or
22 distribution or manufactured for sale or
23 distribution in the United States any cigarette
24 that does not fully comply with the Federal
25 Cigarette Labeling and Advertising Act (15 U.S.C.
26 1331, et seq.); or

1 (f) has been found by the Department, after
2 notice and a hearing, to have made a material false
3 statement in the application or has failed to
4 produce records required to be maintained by this
5 Act.

6 The Department, upon receipt of an application, license fee
7 and bond in proper form, from a person who is eligible to
8 receive a distributor's license under this Act, shall issue to
9 such applicant a license in form as prescribed by the
10 Department, which license shall permit the applicant to which
11 it is issued to engage in business as a distributor at the
12 place shown in his application. All licenses issued by the
13 Department under this Act shall be valid for not to exceed one
14 year after issuance unless sooner revoked, canceled or
15 suspended as provided in this Act. No license issued under this
16 Act is transferable or assignable. Such license shall be
17 conspicuously displayed in the place of business conducted by
18 the licensee in Illinois under such license. No distributor
19 licensee acquires any vested interest or compensable property
20 right in a license issued under this Act.

21 A licensed distributor shall notify the Department of any
22 change in the information contained on the application form,
23 including any change in ownership and shall do so within 30
24 days after any such change.

25 Any person aggrieved by any decision of the Department
26 under this Section may, within 20 days after notice of the

1 decision, protest and request a hearing. Upon receiving a
2 request for a hearing, the Department shall give notice to the
3 person requesting the hearing of the time and place fixed for
4 the hearing and shall hold a hearing in conformity with the
5 provisions of this Act and then issue its final administrative
6 decision in the matter to that person. In the absence of a
7 protest and request for a hearing within 20 days, the
8 Department's decision shall become final without any further
9 determination being made or notice given.

10 (Source: P.A. 95-1053, eff. 1-1-10; 96-782, eff. 1-1-10.)

11 (35 ILCS 130/4b) (from Ch. 120, par. 453.4b)

12 Sec. 4b. (a) The Department may, in its discretion, upon
13 application, issue permits authorizing the payment of the tax
14 herein imposed by out-of-State cigarette manufacturers who are
15 not required to be licensed as distributors of cigarettes in
16 this State, but who elect to qualify under this Act as
17 distributors of cigarettes in this State, and who, to the
18 satisfaction of the Department, furnish adequate security to
19 insure payment of the tax, provided that any such permit shall
20 extend only to cigarettes which such permittee manufacturer
21 places in original packages that are contained inside a sealed
22 transparent wrapper. Such permits shall be issued without
23 charge in such form as the Department may prescribe and shall
24 not be transferable or assignable.

25 The following are ineligible to receive a distributor's

1 permit under this subsection:

2 (1) a person who is not of good character and
3 reputation in the community in which he resides; the
4 Department may consider past conviction of a felony but the
5 conviction shall not operate as an absolute bar to
6 receiving a permit;

7 (2) a person who has been convicted of a felony under
8 any Federal or State law, if the Department, after
9 investigation and a hearing and consideration of
10 mitigating factors and evidence of rehabilitation
11 contained in the applicant's record, including those in
12 Section 4i of this Act, ~~if requested by the applicant,~~
13 determines that such person has not been sufficiently
14 rehabilitated to warrant the public trust;

15 (3) a corporation, if any officer, manager or director
16 thereof, or any stockholder or stockholders owning in the
17 aggregate more than 5% of the stock of such corporation,
18 would not be eligible to receive a permit under this Act
19 for any reason.

20 With respect to cigarettes which come within the scope of
21 such a permit and which any such permittee delivers or causes
22 to be delivered in Illinois to licensed distributors, such
23 permittee shall remit the tax imposed by this Act at the times
24 provided for in Section 3 of this Act. Each such remittance
25 shall be accompanied by a return filed with the Department on a
26 form to be prescribed and furnished by the Department and shall

1 disclose such information as the Department may lawfully
2 require. The Department may promulgate rules to require that
3 the permittee's return be accompanied by appropriate
4 computer-generated magnetic media supporting schedule data in
5 the format prescribed by the Department, unless, as provided by
6 rule, the Department grants an exception upon petition of the
7 permittee. Each such return shall be accompanied by a copy of
8 each invoice rendered by the permittee to any licensed
9 distributor to whom the permittee delivered cigarettes of the
10 type covered by the permit (or caused cigarettes of the type
11 covered by the permit to be delivered) in Illinois during the
12 period covered by such return.

13 Such permit may be suspended, canceled or revoked when, at
14 any time, the Department considers that the security given is
15 inadequate, or that such tax can more effectively be collected
16 from distributors located in this State, or whenever the
17 permittee violates any provision of this Act or any lawful rule
18 or regulation issued by the Department pursuant to this Act or
19 is determined to be ineligible for a distributor's permit under
20 this Act as provided in this Section, whenever the permittee
21 shall notify the Department in writing of his desire to have
22 the permit canceled. The Department shall have the power, in
23 its discretion, to issue a new permit after such suspension,
24 cancellation or revocation, except when the person who would
25 receive the permit is ineligible to receive a distributor's
26 permit under this Act.

1 All permits issued by the Department under this Act shall
2 be valid for not to exceed one year after issuance unless
3 sooner revoked, canceled or suspended as in this Act provided.

4 (b) Out-of-state cigarette manufacturers who are not
5 required to be licensed as distributors of cigarettes in this
6 State and who do not elect to obtain approval under subsection
7 4b(a) to pay the tax imposed by this Act, but who elect to
8 qualify under this Act as distributors of cigarettes in this
9 State for purposes of shipping and delivering unstamped
10 original packages of cigarettes into this State to licensed
11 distributors, shall obtain a permit from the Department. These
12 permits shall be issued without charge in such form as the
13 Department may prescribe and shall not be transferable or
14 assignable.

15 The following are ineligible to receive a distributor's
16 permit under this subsection:

17 (1) a person who is not of good character and
18 reputation in the community in which he or she resides; the
19 Department may consider past conviction of a felony but the
20 conviction shall not operate as an absolute bar to
21 receiving a permit;

22 (2) a person who has been convicted of a felony under
23 any federal or State law, if the Department, after
24 investigation and a hearing and consideration of
25 mitigating factors and evidence of rehabilitation
26 contained in the applicant's record, including those set

1 forth in Section 4i of this Act, if requested by the
2 ~~applicant~~, determines that the person has not been
3 sufficiently rehabilitated to warrant the public trust;
4 and

5 (3) a corporation, if any officer, manager, or director
6 thereof, or any stockholder or stockholders owning in the
7 aggregate more than 5% of the stock of the corporation,
8 would not be eligible to receive a permit under this Act
9 for any reason.

10 With respect to original packages of cigarettes that such
11 permittee delivers or causes to be delivered in Illinois and
12 distributes to the public for promotional purposes without
13 consideration, the permittee shall pay the tax imposed by this
14 Act by remitting the amount thereof to the Department by the
15 5th day of each month covering cigarettes shipped or otherwise
16 delivered in Illinois for those purposes during the preceding
17 calendar month. The permittee, before delivering those
18 cigarettes or causing those cigarettes to be delivered in this
19 State, shall evidence his or her obligation to remit the taxes
20 due with respect to those cigarettes by imprinting language to
21 be prescribed by the Department on each original package of
22 cigarettes, in such place thereon and in such manner also to be
23 prescribed by the Department. The imprinted language shall
24 acknowledge the permittee's payment of or liability for the tax
25 imposed by this Act with respect to the distribution of those
26 cigarettes.

1 With respect to cigarettes that the permittee delivers or
2 causes to be delivered in Illinois to Illinois licensed
3 distributors or distributed to the public for promotional
4 purposes, the permittee shall, by the 5th day of each month,
5 file with the Department, a report covering cigarettes shipped
6 or otherwise delivered in Illinois to licensed distributors or
7 distributed to the public for promotional purposes during the
8 preceding calendar month on a form to be prescribed and
9 furnished by the Department and shall disclose such other
10 information as the Department may lawfully require. The
11 Department may promulgate rules to require that the permittee's
12 report be accompanied by appropriate computer-generated
13 magnetic media supporting schedule data in the format
14 prescribed by the Department, unless, as provided by rule, the
15 Department grants an exception upon petition of the permittee.
16 Each such report shall be accompanied by a copy of each invoice
17 rendered by the permittee to any purchaser to whom the
18 permittee delivered cigarettes of the type covered by the
19 permit (or caused cigarettes of the type covered by the permit
20 to be delivered) in Illinois during the period covered by such
21 report.

22 Such permit may be suspended, canceled, or revoked whenever
23 the permittee violates any provision of this Act or any lawful
24 rule or regulation issued by the Department pursuant to this
25 Act, is determined to be ineligible for a distributor's permit
26 under this Act as provided in this Section, or notifies the

1 Department in writing of his or her desire to have the permit
2 canceled. The Department shall have the power, in its
3 discretion, to issue a new permit after such suspension,
4 cancellation, or revocation, except when the person who would
5 receive the permit is ineligible to receive a distributor's
6 permit under this Act.

7 All permits issued by the Department under this Act shall
8 be valid for a period not to exceed one year after issuance
9 unless sooner revoked, canceled, or suspended as provided in
10 this Act.

11 (Source: P.A. 96-782, eff. 1-1-10.)

12 (35 ILCS 130/4c)

13 Sec. 4c. Secondary distributor's license. No person may
14 engage in business as a secondary distributor of cigarettes in
15 this State without first having obtained a license therefor
16 from the Department. Application for license shall be made to
17 the Department on a form as furnished and prescribed by the
18 Department. Each applicant for a license under this Section
19 shall furnish the following information to the Department on a
20 form signed and verified by the applicant under penalty of
21 perjury:

22 (1) the name and address of the applicant;

23 (2) the address of the location at which the applicant
24 proposes to engage in business as a secondary distributor
25 of cigarettes in this State; and

1 (3) such other additional information as the
2 Department may reasonably require.

3 The annual license fee payable to the Department for each
4 secondary distributor's license shall be \$250. Each applicant
5 for a license shall pay such fee to the Department at the time
6 of submitting an application for license to the Department.

7 A separate application for license shall be made and
8 separate annual license fee paid for each place of business at
9 which a person who is required to procure a secondary
10 distributor's license under this Section proposes to engage in
11 business as a secondary distributor in Illinois under this Act.

12 The following are ineligible to receive a secondary
13 distributor's license under this Act:

14 (1) a person who is not of good character and
15 reputation in the community in which he resides; the
16 Department may consider past conviction of a felony but the
17 conviction shall not operate as an absolute bar to
18 receiving a permit;

19 (2) a person who has been convicted of a felony under
20 any federal or State law, if the Department, after
21 investigation and a hearing and consideration of the
22 mitigating factors provided in subsection (b) of Section 4i
23 of this Act, if requested by the applicant, determines that
24 such person has not been sufficiently rehabilitated to
25 warrant the public trust;

26 (3) a corporation, if any officer, manager, or director

1 thereof, or any stockholder or stockholders owning in the
2 aggregate more than 5% of the stock of such corporation,
3 would not be eligible to receive a license under this Act
4 for any reason;

5 (4) a person who manufactures cigarettes, whether in
6 this State or out of this State;

7 (5) a person, or any person who owns more than 15% of
8 the ownership interests in a person or a related party who:

9 (A) owes, at the time of application, any
10 delinquent cigarette taxes that have been determined
11 by law to be due and unpaid, unless the license
12 applicant has entered into an agreement approved by the
13 Department to pay the amount due;

14 (B) had a license under this Act revoked within the
15 past two years by the Department or has been convicted
16 of a State or federal crime, punishable by imprisonment
17 of one year or more, relating to stolen or contraband
18 cigarettes;

19 (C) has been found by the Department, after notice
20 and a hearing, to have imported or caused to be
21 imported into the United States for sale or
22 distribution any cigarette in violation of 19 U.S.C.
23 1681a;

24 (D) has been found by the Department, after notice
25 and a hearing, to have imported or caused to be
26 imported into the United States for sale or

1 distribution or manufactured for sale or distribution
2 in the United States any cigarette that does not fully
3 comply with the Federal Cigarette Labeling and
4 Advertising Act (15 U.S.C. 1331, et seq.); or

5 (E) has been found by the Department, after notice
6 and a hearing, to have made a material false statement
7 in the application or has failed to produce records
8 required to be maintained by this Act.

9 The Department, upon receipt of an application and license
10 fee from a person who is eligible to receive a secondary
11 distributor's license under this Act, shall issue to such
12 applicant a license in such form as prescribed by the
13 Department. The license shall permit the applicant to which it
14 is issued to engage in business as a secondary distributor at
15 the place shown in his application. All licenses issued by the
16 Department under this Act shall be valid for a period not to
17 exceed one year after issuance unless sooner revoked, canceled,
18 or suspended as provided in this Act. No license issued under
19 this Act is transferable or assignable. Such license shall be
20 conspicuously displayed in the place of business conducted by
21 the licensee in Illinois under such license. No secondary
22 distributor licensee acquires any vested interest or
23 compensable property right in a license issued under this Act.

24 A licensed secondary distributor shall notify the
25 Department of any change in the information contained on the
26 application form, including any change in ownership, and shall

1 do so within 30 days after any such change.

2 Any person aggrieved by any decision of the Department
3 under this Section may, within 20 days after notice of the
4 decision, protest and request a hearing. Upon receiving a
5 request for a hearing, the Department shall give notice to the
6 person requesting the hearing of the time and place fixed for
7 the hearing and shall hold a hearing in conformity with the
8 provisions of this Act and then issue its final administrative
9 decision in the matter to that person. In the absence of a
10 protest and request for a hearing within 20 days, the
11 Department's decision shall become final without any further
12 determination being made or notice given.

13 (Source: P.A. 96-1027, eff. 7-12-10.)

14 (35 ILCS 130/4i new)

15 Sec. 4i. Applicant convictions.

16 (a) The Department shall not require applicants to report
17 the following information and shall not consider the following
18 criminal history records in connection with an application for
19 a license or permit under this Act:

20 (1) Juvenile adjudications of delinquent minors as
21 defined in Section 5-105 of the Juvenile Court Act of 1987
22 subject to the restrictions set forth in Section 5-130 of
23 the Juvenile Court Act of 1987.

24 (2) Law enforcement, court records, and conviction
25 records of an individual who was 17 years old at the time

1 of the offense and before January 1, 2014, unless the
2 nature of the offense required the individual to be tried
3 as an adult.

4 (3) Records of arrest not followed by a conviction.

5 (4) Convictions overturned by a higher court.

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

8 (b) When determining whether to grant a license or permit
9 to an applicant with a prior conviction of a felony, the
10 Department shall consider any evidence of rehabilitation and
11 mitigating factors contained in the applicant's record
12 including any of the following:

13 (1) the lack of direct relation of the offense for
14 which the applicant was previously convicted to the duties,
15 functions, and responsibilities of the position for which a
16 license or permit is sought;

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

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

25 (4) the age of the person at the time of the criminal
26 offense;

1 (5) successful completion of sentence and, for
2 applicants serving a term of parole or probation, a
3 progress report provided by the applicant's probation or
4 parole officer that documents the applicant's compliance
5 with conditions of supervision;

6 (6) evidence of the applicant's present fitness and
7 professional character;

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

15 (8) any other mitigating factors that contribute to the
16 person's potential and current ability to perform the
17 duties and responsibilities of the position for which a
18 license, permit or employment is sought.

19 (c) It is the affirmative obligation of the Department to
20 demonstrate that a prior conviction would impair the ability of
21 the applicant to engage in the practice regulated under this
22 Act. If the Department refuses to issue a license or permit to
23 an applicant, then the Department shall notify the applicant of
24 the denial in writing with the following included in the notice
25 of denial:

26 (1) a statement about the decision to refuse to issue a

1 license or permit;

2 (2) a list of the conviction items that formed the sole
3 or partial basis for the refusal to issue a license or
4 permit;

5 (3) a list of the mitigating evidence presented by the
6 applicant;

7 (4) reasons for refusing to issue a license or permit
8 specific to the evidence presented in mitigation of
9 conviction items that formed the partial or sole basis for
10 the Department's decision; and

11 (5) a summary of the appeal process or the earliest the
12 applicant may reapply for a license or permit, whichever is
13 applicable.

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

19 (1) the number of applicants for new or renewal license
20 or permit under this Act within the previous calendar year;

21 (2) the number of applicants for new or renewal license
22 or permit under this Act within the previous calendar year
23 who had any criminal conviction;

24 (3) the number of applicants for new or renewal license
25 or permit under this Act in the previous calendar year who
26 were granted a license or permit;

1 (4) the number of applicants for new or renewal license
2 or permit with a criminal conviction who were granted a
3 license or permit under this Act within the previous
4 calendar year;

5 (5) the number of applicants for new or renewal license
6 or permit under this Act within the previous calendar year
7 who were denied a license or permit;

8 (6) the number of applicants for new or renewal license
9 or permit with a criminal conviction who were denied a
10 license or permit under this Act in the previous calendar
11 year in whole or in part because of a prior conviction;

12 (7) the number of probationary licenses or permits
13 without monitoring issued under this Act in the previous
14 calendar year to applicants with criminal conviction; and

15 (8) the number of probationary licenses or permits with
16 monitoring issued under this Act in the previous calendar
17 year to applicants with criminal conviction.

18 Section 20. The Counties Code is amended by changing
19 Section 5-10004 and by adding Section 5-10004a as follows:

20 (55 ILCS 5/5-10004) (from Ch. 34, par. 5-10004)

21 Sec. 5-10004. Qualifications for license. A license to
22 operate or maintain a dance hall may be issued by the county
23 board to any citizen, firm or corporation of the State, who

24 (1) Submits a written application for a license, which

1 application shall state, and the applicant shall state under
2 oath:

3 (a) The name, address, and residence of the applicant,
4 and the length of time he has lived at that residence;~~;~~

5 (b) The place of birth of the applicant, and if the
6 applicant is a naturalized citizen, the time and place of
7 such naturalization;

8 (c) Whether the applicant has a prior felony
9 conviction; and ~~That the applicant has never been convicted~~
10 ~~of a felony, or of a misdemeanor punishable under the laws~~
11 ~~of this State by a minimum imprisonment of six months or~~
12 ~~longer.~~

13 (d) The location of the place or building where the
14 applicant intends to operate or maintain the dance hall.

15 (2) And who establishes:

16 (a) That he is a person of good moral character; and

17 (b) that the place or building where the dance hall or
18 road house is to be operated or maintained, reasonably
19 conforms to all laws, and health and fire regulations
20 applicable thereto, and is properly ventilated and
21 supplied with separate and sufficient toilet arrangements
22 for each sex, and is a safe and proper place or building
23 for a public dance hall or road house.

24 (Source: P.A. 86-962.)

25 (55 ILCS 5/5-10004a new)

1 Sec. 5-10004a. Applicant convictions.

2 (a) Applicants shall not be required to report the
3 following information and the following information shall not
4 be considered in connection with an application for a license
5 under this Act:

6 (1) Juvenile adjudications of delinquent minors, as
7 defined in Section 5-105 of the Juvenile Court Act of 1987,
8 subject to the restrictions set forth in Section 5-130
9 Juvenile Court Act of 1987.

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

15 (3) Records of arrest not followed by a conviction.

16 (4) Convictions overturned by a higher court.

17 (5) Convictions or arrests that have been sealed or
18 expunged.

19 (b) No application for a license under this Division shall
20 be denied by reason of a finding of lack of "good moral
21 character" when the finding is based upon the fact that the
22 applicant has previously been convicted of one or more criminal
23 offenses.

24 (c) When determining whether to grant a license to an
25 applicant with a prior conviction of a felony, the county board
26 shall consider any evidence of rehabilitation and mitigating

1 factors contained in the applicant's record including any of
2 the following:

3 (1) the lack of direct relation of the offense for
4 which the applicant was previously convicted to the duties,
5 functions, and responsibilities of the position for which a
6 license is sought;

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

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

15 (4) the age of the person at the time of the criminal
16 offense;

17 (5) successful completion of sentence and, for
18 applicants serving a term of parole or probation, a
19 progress report provided by the applicant's probation or
20 parole officer that documents the applicant's compliance
21 with conditions of supervision;

22 (6) evidence of the applicant's present fitness and
23 professional character;

24 (7) evidence of rehabilitation or rehabilitative
25 effort during or after incarceration, or during or after a
26 term of supervision, including but not limited to a

1 certificate of good conduct under Section 5-5.5-25 of the
2 Unified Code of Corrections or a certificate of relief from
3 disabilities under Section 5-5.5-10 of the Unified Code of
4 Corrections; and

5 (8) any other mitigating factors that contribute to the
6 person's potential and current ability to perform the
7 duties and responsibilities of the position for which a
8 license or employment is sought.

9 (d) It is the affirmative obligation of the county board to
10 demonstrate that a prior conviction would impair the ability of
11 the applicant to engage in the practice regulated under this
12 Act. If the county board refuses to issue a license to an
13 applicant, then the county board shall notify the applicant of
14 the denial in writing with the following included in the notice
15 of denial:

16 (1) a statement about the decision to refuse to issue a
17 license;

18 (2) a list of the conviction items that formed the sole
19 or partial basis for the refusal to issue a license;

20 (3) a list of the mitigating evidence presented by the
21 applicant;

22 (4) reasons for refusing to issue a license specific to
23 the evidence presented in mitigation of conviction items
24 that formed the partial or sole basis for the county
25 board's decision; and

26 (5) a summary of the appeal process or the earliest the

1 applicant may reapply for a license, whichever is
2 applicable.

3 (e) No later than May 1 of each year, the board must
4 prepare, publicly announce, and publish a report of summary
5 statistical information relating to new and renewal license
6 applications during the preceding calendar year. Each report
7 shall show at minimum:

8 (1) the number of applicants for new or renewal license
9 under this Act within the previous calendar year;

10 (2) the number of applicants for new or renewal license
11 under this Act within the previous calendar year who had
12 any criminal conviction;

13 (3) the number of applicants for new or renewal license
14 under this Act in the previous calendar year who were
15 granted a license;

16 (4) the number of applicants for new or renewal license
17 with a criminal conviction who were granted a license under
18 this Act within the previous calendar year;

19 (5) the number of applicants for new or renewal license
20 under this Act within the previous calendar year who were
21 denied a license;

22 (6) the number of applicants for new or renewal license
23 with a criminal conviction who were denied a license under
24 this Act in the previous calendar year in whole or in part
25 because of a prior conviction;

26 (7) the number of probationary licenses without

1 monitoring issued under this Act in the previous calendar
2 year to applicants with criminal conviction; and
3 (8) the number of probationary licenses with
4 monitoring issued under this Act in the previous calendar
5 year to applicants with criminal conviction.

6 Section 25. The Emergency Medical Services (EMS) Systems
7 Act is amended by changing Section 3.50 and by adding Section
8 3.51 as follows:

9 (210 ILCS 50/3.50)

10 Sec. 3.50. Emergency Medical Services personnel licensure
11 levels.

12 (a) "Emergency Medical Technician" or "EMT" means a person
13 who has successfully completed a course in basic life support
14 as approved by the Department, is currently licensed by the
15 Department in accordance with standards prescribed by this Act
16 and rules adopted by the Department pursuant to this Act, and
17 practices within an EMS System. A valid Emergency Medical
18 Technician-Basic (EMT-B) license issued under this Act shall
19 continue to be valid and shall be recognized as an Emergency
20 Medical Technician (EMT) license until the Emergency Medical
21 Technician-Basic (EMT-B) license expires.

22 (b) "Emergency Medical Technician-Intermediate" or "EMT-I"
23 means a person who has successfully completed a course in
24 intermediate life support as approved by the Department, is

1 currently licensed by the Department in accordance with
2 standards prescribed by this Act and rules adopted by the
3 Department pursuant to this Act, and practices within an
4 Intermediate or Advanced Life Support EMS System.

5 (b-5) "Advanced Emergency Medical Technician" or "A-EMT"
6 means a person who has successfully completed a course in basic
7 and limited advanced emergency medical care as approved by the
8 Department, is currently licensed by the Department in
9 accordance with standards prescribed by this Act and rules
10 adopted by the Department pursuant to this Act, and practices
11 within an Intermediate or Advanced Life Support EMS System.

12 (c) "Paramedic (EMT-P)" means a person who has successfully
13 completed a course in advanced life support care as approved by
14 the Department, is licensed by the Department in accordance
15 with standards prescribed by this Act and rules adopted by the
16 Department pursuant to this Act, and practices within an
17 Advanced Life Support EMS System. A valid Emergency Medical
18 Technician-Paramedic (EMT-P) license issued under this Act
19 shall continue to be valid and shall be recognized as a
20 Paramedic license until the Emergency Medical
21 Technician-Paramedic (EMT-P) license expires.

22 (c-5) "Emergency Medical Responder" or "EMR (First
23 Responder)" means a person who has successfully completed a
24 course in emergency medical response as approved by the
25 Department and provides emergency medical response services
26 prior to the arrival of an ambulance or specialized emergency

1 medical services vehicle, in accordance with the level of care
2 established by the National EMS Educational Standards
3 Emergency Medical Responder course as modified by the
4 Department. An Emergency Medical Responder who provides
5 services as part of an EMS System response plan shall comply
6 with the applicable sections of the Program Plan, as approved
7 by the Department, of that EMS System. The Department shall
8 have the authority to adopt rules governing the curriculum,
9 practice, and necessary equipment applicable to Emergency
10 Medical Responders.

11 On the effective date of this amendatory Act of the 98th
12 General Assembly, a person who is licensed by the Department as
13 a First Responder and has completed a Department-approved
14 course in first responder defibrillator training based on, or
15 equivalent to, the National EMS Educational Standards or other
16 standards previously recognized by the Department shall be
17 eligible for licensure as an Emergency Medical Responder upon
18 meeting the licensure requirements and submitting an
19 application to the Department. A valid First Responder license
20 issued under this Act shall continue to be valid and shall be
21 recognized as an Emergency Medical Responder license until the
22 First Responder license expires.

23 (c-10) All EMS Systems and licensees shall be fully
24 compliant with the National EMS Education Standards, as
25 modified by the Department in administrative rules, within 24
26 months after the adoption of the administrative rules.

1 (d) The Department shall have the authority and
2 responsibility to:

3 (1) Prescribe education and training requirements,
4 which includes training in the use of epinephrine, for all
5 levels of EMS personnel except for EMRs, based on the
6 National EMS Educational Standards and any modifications
7 to those curricula specified by the Department through
8 rules adopted pursuant to this Act.

9 (2) Prescribe licensure testing requirements for all
10 levels of EMS personnel, which shall include a requirement
11 that all phases of instruction, training, and field
12 experience be completed before taking the appropriate
13 licensure examination. Candidates may elect to take the
14 appropriate National Registry examination in lieu of the
15 Department's examination, but are responsible for making
16 their own arrangements for taking the National Registry
17 examination. In prescribing licensure testing requirements
18 for honorably discharged members of the armed forces of the
19 United States under this paragraph (2), the Department
20 shall ensure that a candidate's military emergency medical
21 training, emergency medical curriculum completed, and
22 clinical experience, as described in paragraph (2.5), are
23 recognized.

24 (2.5) Review applications for EMS personnel licensure
25 from honorably discharged members of the armed forces of
26 the United States with military emergency medical

1 training. Applications shall be filed with the Department
2 within one year after military discharge and shall contain:
3 (i) proof of successful completion of military emergency
4 medical training; (ii) a detailed description of the
5 emergency medical curriculum completed; and (iii) a
6 detailed description of the applicant's clinical
7 experience. The Department may request additional and
8 clarifying information. The Department shall evaluate the
9 application, including the applicant's training and
10 experience, consistent with the standards set forth under
11 subsections (a), (b), (c), and (d) of Section 3.10. If the
12 application clearly demonstrates that the training and
13 experience meets such standards, the Department shall
14 offer the applicant the opportunity to successfully
15 complete a Department-approved EMS personnel examination
16 for the level of license for which the applicant is
17 qualified. Upon passage of an examination, the Department
18 shall issue a license, which shall be subject to all
19 provisions of this Act that are otherwise applicable to the
20 level of EMS personnel license issued.

21 (3) License individuals as an EMR, EMT, EMT-I, A-EMT,
22 or Paramedic who have met the Department's education,
23 training and examination requirements.

24 (4) Prescribe annual continuing education and
25 relicensure requirements for all EMS personnel licensure
26 levels.

1 (5) Relicense individuals as an EMD, EMR, EMT, EMT-I,
2 A-EMT, or Paramedic every 4 years, based on their
3 compliance with continuing education and relicensure
4 requirements as required by the Department pursuant to this
5 Act. Every 4 years, a Paramedic shall have 100 hours of
6 approved continuing education, an EMT-I and an advanced EMT
7 shall have 80 hours of approved continuing education, and
8 an EMT shall have 60 hours of approved continuing
9 education. An Illinois licensed EMR, EMD, EMT, EMT-I,
10 A-EMT, Paramedic, ECRN, or PHRN whose license has been
11 expired for less than 36 months may apply for reinstatement
12 by the Department. Reinstatement shall require that the
13 applicant (i) submit satisfactory proof of completion of
14 continuing medical education and clinical requirements to
15 be prescribed by the Department in an administrative rule;
16 (ii) submit a positive recommendation from an Illinois EMS
17 Medical Director attesting to the applicant's
18 qualifications for retesting; and (iii) pass a Department
19 approved test for the level of EMS personnel license sought
20 to be reinstated.

21 (6) Grant inactive status to any EMR, EMD, EMT, EMT-I,
22 A-EMT, Paramedic, ECRN, or PHRN who qualifies, based on
23 standards and procedures established by the Department in
24 rules adopted pursuant to this Act.

25 (7) Charge a fee for EMS personnel examination,
26 licensure, and license renewal.

1 (8) Suspend, revoke, or refuse to issue or renew the
2 license of any licensee, after an opportunity for an
3 impartial hearing before a neutral administrative law
4 judge appointed by the Director, where the preponderance of
5 the evidence shows one or more of the following:

6 (A) The licensee has not met continuing education
7 or relicensure requirements as prescribed by the
8 Department;

9 (B) The licensee has failed to maintain
10 proficiency in the level of skills for which he or she
11 is licensed;

12 (C) The licensee, during the provision of medical
13 services, engaged in dishonorable, unethical, or
14 unprofessional conduct of a character likely to
15 deceive, defraud, or harm the public;

16 (D) The licensee has failed to maintain or has
17 violated standards of performance and conduct as
18 prescribed by the Department in rules adopted pursuant
19 to this Act or his or her EMS System's Program Plan;

20 (E) The licensee is physically impaired to the
21 extent that he or she cannot physically perform the
22 skills and functions for which he or she is licensed,
23 as verified by a physician, unless the person is on
24 inactive status pursuant to Department regulations;

25 (F) The licensee is mentally impaired to the extent
26 that he or she cannot exercise the appropriate

1 judgment, skill and safety for performing the
2 functions for which he or she is licensed, as verified
3 by a physician, unless the person is on inactive status
4 pursuant to Department regulations;

5 (G) The licensee has violated this Act or any rule
6 adopted by the Department pursuant to this Act; or

7 (H) The licensee has been convicted (or entered a
8 plea of guilty or nolo-contendere) by a court of
9 competent jurisdiction of a Class X, Class 1, or Class
10 2 felony in this State or an out-of-state equivalent
11 offense. For applicants, the Department shall consider
12 prior convictions in accordance with Section 3.51 of
13 this Act.

14 (9) Prescribe education and training requirements in
15 the administration and use of opioid antagonists for all
16 levels of EMS personnel based on the National EMS
17 Educational Standards and any modifications to those
18 curricula specified by the Department through rules
19 adopted pursuant to this Act.

20 (d-5) An EMR, EMD, EMT, EMT-I, A-EMT, Paramedic, ECRN, or
21 PHRN who is a member of the Illinois National Guard or an
22 Illinois State Trooper or who exclusively serves as a volunteer
23 for units of local government with a population base of less
24 than 5,000 or as a volunteer for a not-for-profit organization
25 that serves a service area with a population base of less than
26 5,000 may submit an application to the Department for a waiver

1 of the fees described under paragraph (7) of subsection (d) of
2 this Section on a form prescribed by the Department.

3 The education requirements prescribed by the Department
4 under this Section must allow for the suspension of those
5 requirements in the case of a member of the armed services or
6 reserve forces of the United States or a member of the Illinois
7 National Guard who is on active duty pursuant to an executive
8 order of the President of the United States, an act of the
9 Congress of the United States, or an order of the Governor at
10 the time that the member would otherwise be required to fulfill
11 a particular education requirement. Such a person must fulfill
12 the education requirement within 6 months after his or her
13 release from active duty.

14 (e) In the event that any rule of the Department or an EMS
15 Medical Director that requires testing for drug use as a
16 condition of the applicable EMS personnel license conflicts
17 with or duplicates a provision of a collective bargaining
18 agreement that requires testing for drug use, that rule shall
19 not apply to any person covered by the collective bargaining
20 agreement.

21 (Source: P.A. 98-53, eff. 1-1-14; 98-463, eff. 8-16-13; 98-973,
22 eff. 8-15-14; 99-480, eff. 9-9-15.)

23 (210 ILCS 50/3.51 new)

24 Sec. 3.51. Applicant convictions.

25 (a) The Department shall not request information from the

1 applicant about the following, and shall not consider the
2 following criminal history records in connection with an
3 application for licensure:

4 (1) Juvenile adjudications of delinquent minors as
5 defined in 705 ILCS 405/5-120 subject to the restrictions
6 set forth in 705 ILCS 405/5-130.

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

12 (3) Records of arrest of an offense other than Class X,
13 Class 1 and Class 2 felony not followed by a conviction.
14 However, applicants shall not be asked to report any
15 arrests, and, any arrest not followed by a conviction shall
16 not be the basis of a denial and may be used only to assess
17 any aggravating or mitigating factors in connection with an
18 applicant's prior conviction for a Class X, Class 1 or
19 Class 2 felony.

20 (4) Convictions overturned by a higher court.

21 (5) Convictions or arrests that have been sealed or
22 expunged.

23 (b) When reviewing, for the purpose of determining whether
24 to grant a license, a prior conviction or entry of a plea of
25 guilty or nolo-contendere of a Class X, Class 1 or Class 2
26 felony of an applicant, the Department shall consider any

1 evidence of rehabilitation and mitigating factors contained in
2 the applicant's record and the risk that an applicant's
3 conviction history may present to patients. The factors may
4 include the following:

5 (1) whether the conviction involved theft, deception
6 or infliction of intention, unjustified harm to others and
7 suggests a propensity that may pose a threat to the public
8 in stressful situation commonly confronted by EMS
9 providers and First Responders;

10 (2) the length of time since the conviction, the
11 severity of the penalty imposed and successful completion
12 of sentence;

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

17 (4) the age of the person at the time of the criminal
18 offense;

19 (5) whether the applicant's conviction history
20 suggests a particular pattern of overall disregard for the
21 safety or property of others;

22 (6) any other evidence of rehabilitation or
23 rehabilitative effort during or after incarceration, or
24 during or after a term of supervision, including but not
25 limited to a certificate of good conduct under Section
26 5-5.5-25 of the Unified Code of Corrections or a

1 certificate of relief from disabilities under Section
2 5-5.5-10 of the Unified Code of Corrections;

3 (7) any other mitigating factors that contribute to the
4 person's potential and current ability to perform the job
5 duties; and

6 (8) other unusual facts and circumstance that strongly
7 suggest the applicant should not be granted a license.

8 (d) It is the affirmative obligation of the Department to
9 demonstrate that a prior conviction would impair the ability of
10 the applicant to engage in the licensed practice. If the
11 Department refuses to issue a license to an applicant, then the
12 Department shall notify the applicant of the denial in writing
13 with the following included in the notice of denial:

14 (1) a statement about the decision to refuse to issue a
15 license;

16 (2) a list of the conviction items that formed the sole
17 or partial basis for the refusal to issue a license;

18 (3) a list of the mitigating evidence presented by the
19 applicant;

20 (4) reasons for refusing to issue a license specific to
21 the evidence presented in mitigation of conviction items
22 that formed the partial or sole basis for the Department's
23 decision; and

24 (5) a summary of the appeal process or the earliest the
25 applicant may reapply for a license, whichever is
26 applicable.

1 Section 30. The Clinical Social Work and Social Work
2 Practice Act is amended by changing Section 19 and by adding
3 Section 9A.1 as follows:

4 (225 ILCS 20/9A.1 new)

5 Sec. 9A.1. Applicant Convictions.

6 (a) The Department and the Board shall not require
7 applicants to report information about the following and shall
8 not consider the following criminal history records in
9 connection with an application for licensure:

10 (1) Juvenile adjudications of delinquent minors as
11 defined in Section 5-105 of the Juvenile Court Act of 1987,
12 subject to the restrictions set forth in Section 5-130 of
13 the Juvenile Court Act of 1987.

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

19 (3) Records of arrest not followed by a conviction
20 unless related to the practice of the profession. However,
21 applicants shall not be asked to report any arrests, and,
22 an arrest not followed by a conviction shall not be the
23 basis of a denial and may be used only to assess an
24 applicant's rehabilitation.

1 (4) Convictions overturned by a higher court.

2 (5) Convictions or arrests that have been sealed or
3 expunged.

4 (b) Except as provided in Section 2105-165 of the
5 Department of Professional Regulation Law, when determining
6 whether to grant a license to an applicant with a prior
7 conviction of a felony or of a misdemeanor directly related to
8 the practice of the profession, the Department shall consider
9 any evidence of rehabilitation and mitigating factors
10 contained in the applicant's record, including any of the
11 following:

12 (1) the lack of direct relation of the offense for
13 which the applicant was previously convicted to the duties,
14 functions, and responsibilities of the position for which a
15 license is sought;

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

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

24 (4) the age of the person at the time of the criminal
25 offense;

26 (5) successful completion of sentence and, for

1 applicants serving a term of parole or probation, a
2 progress report provided by the applicant's probation or
3 parole officer that documents the applicant's compliance
4 with conditions of supervision;

5 (6) evidence of the applicant's present fitness and
6 professional 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 a 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 the
15 person's potential and current ability to perform the
16 duties and responsibilities of the position for which a
17 license or employment is sought.

18 (c) It is the affirmative obligation of the Department to
19 demonstrate that a prior conviction would impair the ability of
20 the applicant to engage in the practice requiring a license. If
21 the Department refuses to grant a license to an applicant, then
22 the Department shall notify the applicant of the denial in
23 writing with the following included in the notice of denial:

24 (1) a statement about the decision to refuse to issue a
25 license;

26 (2) a list of the convictions that formed the sole or

1 partial basis for the refusal to issue a license;

2 (3) a list of the mitigating evidence presented by the
3 applicant;

4 (4) reasons for refusing to issue a license specific to
5 the evidence presented in mitigation of conviction items
6 that formed the partial or sole basis for the Department's
7 decision; and

8 (5) a summary of the appeal process or the earliest the
9 applicant may reapply for a license, whichever is
10 applicable.

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

16 (1) the number of applicants for a new or renewal
17 license under this Act within the previous calendar year;

18 (2) the number of applicants for a new or renewal
19 license under this Act within the previous calendar year
20 who had any criminal conviction;

21 (3) the number of applicants for a new or renewal
22 license under this Act in the previous calendar year who
23 were granted a license;

24 (4) the number of applicants for a new or renewal
25 license with a criminal conviction who were granted a
26 license under this Act within the previous calendar year;

1 (5) the number of applicants for a new or renewal
2 license under this Act within the previous calendar year
3 who were denied a license;

4 (6) the number of applicants for a new or renewal
5 license with a criminal conviction who were denied a
6 license under this Act in the previous calendar year in
7 part or in whole because of a prior conviction;

8 (7) the number of probationary licenses without
9 monitoring issued under this Act in the previous calendar
10 year to applicants with criminal conviction; and

11 (8) the number of probationary licenses with
12 monitoring issued under this Act in the previous calendar
13 year to applicants with criminal conviction.

14 (225 ILCS 20/19) (from Ch. 111, par. 6369)

15 (Section scheduled to be repealed on January 1, 2018)

16 Sec. 19. Grounds for disciplinary action.

17 (1) The Department may refuse to issue, refuse to renew,
18 suspend, or revoke any license, or may place on probation,
19 censure, reprimand, or take other disciplinary or
20 non-disciplinary action deemed appropriate by the Department,
21 including the imposition of fines not to exceed \$10,000 for
22 each violation, with regard to any license issued under the
23 provisions of this Act for any one or a combination of the
24 following reasons:

25 (a) material misstatements of fact in furnishing

1 information to the Department or to any other State agency
2 or in furnishing information to any insurance company with
3 respect to a claim on behalf of a licensee or a patient;

4 (b) violations or negligent or intentional disregard
5 of this Act, or any of the rules promulgated hereunder;

6 (c) for licensees, conviction of or entry of a plea of
7 guilty or nolo contendere to any crime that is a felony
8 under the laws of the United States or any state or
9 territory thereof or that is a misdemeanor, of which an
10 essential element is dishonesty, or any crime that is
11 directly related to the practice of the clinical social
12 work or social work professions; provisions set forth in
13 Section 9A.1 apply for applicants;

14 (d) making any misrepresentation for the purpose of
15 obtaining licenses, or violating any provision of this Act
16 or any of the rules promulgated hereunder;

17 (e) professional incompetence;

18 (f) malpractice;

19 (g) aiding or assisting another person in violating any
20 provision of this Act or any rules;

21 (h) failing to provide information within 30 days in
22 response to a written request made by the Department;

23 (i) engaging in dishonorable, unethical or
24 unprofessional conduct of a character likely to deceive,
25 defraud or harm the public as defined by the rules of the
26 Department, or violating the rules of professional conduct

1 adopted by the Board and published by the Department;

2 (j) habitual or excessive use or addiction to alcohol,
3 narcotics, stimulants, or any other chemical agent or drug
4 that results in a clinical social worker's or social
5 worker's inability to practice with reasonable judgment,
6 skill, or safety;

7 (k) discipline by another jurisdiction, if at least one
8 of the grounds for the discipline is the same or
9 substantially equivalent to those set forth in this
10 Section;

11 (l) directly or indirectly giving to or receiving from
12 any person, firm, corporation, partnership, or association
13 any fee, commission, rebate or other form of compensation
14 for any professional service not actually rendered.
15 Nothing in this paragraph (l) affects any bona fide
16 independent contractor or employment arrangements among
17 health care professionals, health facilities, health care
18 providers, or other entities, except as otherwise
19 prohibited by law. Any employment arrangements may include
20 provisions for compensation, health insurance, pension, or
21 other employment benefits for the provision of services
22 within the scope of the licensee's practice under this Act.
23 Nothing in this paragraph (l) shall be construed to require
24 an employment arrangement to receive professional fees for
25 services rendered;

26 (m) a finding by the Board that the licensee, after

1 having the license placed on probationary status, has
2 violated the terms of probation;

3 (n) abandonment, without cause, of a client;

4 (o) wilfully filing false reports relating to a
5 licensee's practice, including but not limited to false
6 records filed with Federal or State agencies or
7 departments;

8 (p) wilfully failing to report an instance of suspected
9 child abuse or neglect as required by the Abused and
10 Neglected Child Reporting Act;

11 (q) being named as a perpetrator in an indicated report
12 by the Department of Children and Family Services under the
13 Abused and Neglected Child Reporting Act, and upon proof by
14 clear and convincing evidence that the licensee has caused
15 a child to be or failed to take reasonable steps to prevent
16 a child from being an abused child or neglected child as
17 defined in the Abused and Neglected Child Reporting Act;

18 (r) physical illness, mental illness, or any other
19 impairment or disability, including, but not limited to,
20 deterioration through the aging process, or loss of motor
21 skills that results in the inability to practice the
22 profession with reasonable judgment, skill or safety;

23 (s) solicitation of professional services by using
24 false or misleading advertising; or

25 (t) violation of the Health Care Worker Self-Referral
26 Act.

1 (2) (Blank).

2 (3) The determination by a court that a licensee is subject
3 to involuntary admission or judicial admission as provided in
4 the Mental Health and Developmental Disabilities Code, will
5 result in an automatic suspension of his license. Such
6 suspension will end upon a finding by a court that the licensee
7 is no longer subject to involuntary admission or judicial
8 admission and issues an order so finding and discharging the
9 patient, and upon the recommendation of the Board to the
10 Secretary that the licensee be allowed to resume professional
11 practice.

12 (4) The Department may refuse to issue or renew or may
13 suspend the license of a person who (i) fails to file a return,
14 pay the tax, penalty, or interest shown in a filed return, or
15 pay any final assessment of tax, penalty, or interest, as
16 required by any tax Act administered by the Department of
17 Revenue, until the requirements of the tax Act are satisfied or
18 (ii) has failed to pay any court-ordered child support as
19 determined by a court order or by referral from the Department
20 of Healthcare and Family Services.

21 (5) In enforcing this Section, the Board upon a showing of
22 a possible violation may compel a person licensed to practice
23 under this Act, or who has applied for licensure or
24 certification pursuant to this Act, to submit to a mental or
25 physical examination, or both, as required by and at the
26 expense of the Department. The examining physicians shall be

1 those specifically designated by the Board. The Board or the
2 Department may order the examining physician to present
3 testimony concerning this mental or physical examination of the
4 licensee or applicant. No information shall be excluded by
5 reason of any common law or statutory privilege relating to
6 communications between the licensee or applicant and the
7 examining physician. The person to be examined may have, at his
8 or her own expense, another physician of his or her choice
9 present during all aspects of the examination. Failure of any
10 person to submit to a mental or physical examination, when
11 directed, shall be grounds for suspension of a license until
12 the person submits to the examination if the Board finds, after
13 notice and hearing, that the refusal to submit to the
14 examination was without reasonable cause.

15 If the Board finds a person unable to practice because of
16 the reasons set forth in this Section, the Board may require
17 that person to submit to care, counseling, or treatment by
18 physicians approved or designated by the Board, as a condition,
19 term, or restriction for continued, reinstated, or renewed
20 licensure to practice; or, in lieu of care, counseling or
21 treatment, the Board may recommend to the Department to file a
22 complaint to immediately suspend, revoke or otherwise
23 discipline the license of the person. Any person whose license
24 was granted, continued, reinstated, renewed, disciplined or
25 supervised subject to such terms, conditions or restrictions,
26 and who fails to comply with such terms, conditions, or

1 restrictions, shall be referred to the Secretary for a
2 determination as to whether the person shall have his or her
3 license suspended immediately, pending a hearing by the Board.

4 In instances in which the Secretary immediately suspends a
5 person's license under this Section, a hearing on that person's
6 license must be convened by the Board within 30 days after the
7 suspension and completed without appreciable delay. The Board
8 shall have the authority to review the subject person's record
9 of treatment and counseling regarding the impairment, to the
10 extent permitted by applicable federal statutes and
11 regulations safeguarding the confidentiality of medical
12 records.

13 A person licensed under this Act and affected under this
14 Section shall be afforded an opportunity to demonstrate to the
15 Board that he or she can resume practice in compliance with
16 acceptable and prevailing standards under the provisions of his
17 or her license.

18 (Source: P.A. 98-756, eff. 7-16-14.)

19 Section 35. The Dietitian Nutritionist Practice Act is
20 amended by changing Section 95 and by adding Section 96 as
21 follows:

22 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

23 (Section scheduled to be repealed on January 1, 2023)

24 Sec. 95. Grounds for discipline.

1 (1) The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary or non-disciplinary action as the Department may
4 deem appropriate, including imposing fines not to exceed
5 \$10,000 for each violation, with regard to any license or
6 certificate for any one or combination of the following causes:

7 (a) Material misstatement in furnishing information to
8 the Department.

9 (b) Violations of this Act or of rules adopted under
10 this Act.

11 (c) For licensees, conviction ~~Conviction~~ by plea of
12 guilty or nolo contendere, finding of guilt, jury verdict,
13 or entry of judgment or by sentencing of any crime,
14 including, but not limited to, convictions, preceding
15 sentences of supervision, conditional discharge, or first
16 offender probation, under the laws of any jurisdiction of
17 the United States (i) that is a felony or (ii) that is a
18 misdemeanor, an essential element of which is dishonesty,
19 or that is directly related to the practice of the
20 profession. For applicants, provisions set forth in
21 Section 96 apply.

22 (d) Fraud or any misrepresentation in applying for or
23 procuring a license under this Act or in connection with
24 applying for renewal of a license under this Act.

25 (e) Professional incompetence or gross negligence.

26 (f) Malpractice.

1 (g) Aiding or assisting another person in violating any
2 provision of this Act or its rules.

3 (h) Failing to provide information within 60 days in
4 response to a written request made by the Department.

5 (i) Engaging in dishonorable, unethical or
6 unprofessional conduct of a character likely to deceive,
7 defraud, or harm the public.

8 (j) Habitual or excessive use or abuse of drugs defined
9 in law as controlled substances, alcohol, or any other
10 substance that results in the inability to practice with
11 reasonable judgment, skill, or safety.

12 (k) Discipline by another state, the District of
13 Columbia, territory, country, or governmental agency if at
14 least one of the grounds for the discipline is the same or
15 substantially equivalent to those set forth in this Act.

16 (l) Charging for professional services not rendered,
17 including filing false statements for the collection of
18 fees for which services are not rendered. Nothing in this
19 paragraph (1) affects any bona fide independent contractor
20 or employment arrangements among health care
21 professionals, health facilities, health care providers,
22 or other entities, except as otherwise prohibited by law.
23 Any employment arrangements may include provisions for
24 compensation, health insurance, pension, or other
25 employment benefits for the provision of services within
26 the scope of the licensee's practice under this Act.

1 Nothing in this paragraph (1) shall be construed to require
2 an employment arrangement to receive professional fees for
3 services rendered.

4 (m) A finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status, has violated the terms of probation.

7 (n) Willfully making or filing false records or reports
8 in his or her practice, including, but not limited to,
9 false records filed with State agencies or departments.

10 (o) Allowing one's license under this Act to be used by
11 an unlicensed person in violation of this Act.

12 (p) Practicing under a false or, except as provided by
13 law, an assumed name.

14 (q) Gross and willful overcharging for professional
15 services.

16 (r) (Blank).

17 (s) Willfully failing to report an instance of
18 suspected child abuse or neglect as required by the Abused
19 and Neglected Child Reporting Act.

20 (t) Cheating on or attempting to subvert a licensing
21 examination administered under this Act.

22 (u) Mental illness or disability that results in the
23 inability to practice under this Act with reasonable
24 judgment, skill, or safety.

25 (v) Physical illness, including, but not limited to,
26 deterioration through the aging process or loss of motor

1 skill that results in a licensee's inability to practice
2 under this Act with reasonable judgment, skill, or safety.

3 (w) Advising an individual to discontinue, reduce,
4 increase, or otherwise alter the intake of a drug
5 prescribed by a physician licensed to practice medicine in
6 all its branches or by a prescriber as defined in Section
7 102 of the Illinois Controlled Substances Act.

8 (2) The Department may refuse to issue or may suspend
9 without hearing, as provided for in the Code of Civil
10 Procedure, the license of any person who fails to file a
11 return, or pay the tax, penalty, or interest shown in a filed
12 return, or pay any final assessment of the tax, penalty, or
13 interest as required by any tax Act administered by the
14 Illinois Department of Revenue, until such time as the
15 requirements of any such tax Act are satisfied in accordance
16 with subsection (g) of Section 2105-15 of the Civil
17 Administrative Code of Illinois.

18 (3) The Department shall deny a license or renewal
19 authorized by this Act to a person who has defaulted on an
20 educational loan or scholarship provided or guaranteed by the
21 Illinois Student Assistance Commission or any governmental
22 agency of this State in accordance with item (5) of subsection
23 (a) of Section 2105-15 of the Civil Administrative Code of
24 Illinois.

25 (4) In cases where the Department of Healthcare and Family
26 Services has previously determined a licensee or a potential

1 licensee is more than 30 days delinquent in the payment of
2 child support and has subsequently certified the delinquency to
3 the Department, the Department may refuse to issue or renew or
4 may revoke or suspend that person's license or may take other
5 disciplinary action against that person based solely upon the
6 certification of delinquency made by the Department of
7 Healthcare and Family Services in accordance with item (5) of
8 subsection (a) of Section 2105-15 of the Civil Administrative
9 Code of Illinois.

10 (5) The determination by a circuit court that a licensee is
11 subject to involuntary admission or judicial admission, as
12 provided in the Mental Health and Developmental Disabilities
13 Code, operates as an automatic suspension. The suspension shall
14 end only upon a finding by a court that the patient is no
15 longer subject to involuntary admission or judicial admission
16 and the issuance of an order so finding and discharging the
17 patient.

18 (6) In enforcing this Act, the Department, upon a showing
19 of a possible violation, may compel an individual licensed to
20 practice under this Act, or who has applied for licensure under
21 this Act, to submit to a mental or physical examination, or
22 both, as required by and at the expense of the Department. The
23 Department may order the examining physician to present
24 testimony concerning the mental or physical examination of the
25 licensee or applicant. No information shall be excluded by
26 reason of any common law or statutory privilege relating to

1 communications between the licensee or applicant and the
2 examining physician. The examining physicians shall be
3 specifically designated by the Department. The individual to be
4 examined may have, at his or her own expense, another physician
5 of his or her choice present during all aspects of this
6 examination. The examination shall be performed by a physician
7 licensed to practice medicine in all its branches. Failure of
8 an individual to submit to a mental or physical examination,
9 when directed, shall result in an automatic suspension without
10 hearing.

11 A person holding a license under this Act or who has
12 applied for a license under this Act who, because of a physical
13 or mental illness or disability, including, but not limited to,
14 deterioration through the aging process or loss of motor skill,
15 is unable to practice the profession with reasonable judgment,
16 skill, or safety, may be required by the Department to submit
17 to care, counseling, or treatment by physicians approved or
18 designated by the Department as a condition, term, or
19 restriction for continued, reinstated, or renewed licensure to
20 practice. Submission to care, counseling, or treatment as
21 required by the Department shall not be considered discipline
22 of a license. If the licensee refuses to enter into a care,
23 counseling, or treatment agreement or fails to abide by the
24 terms of the agreement, then the Department may file a
25 complaint to revoke, suspend, or otherwise discipline the
26 license of the individual. The Secretary may order the license

1 suspended immediately, pending a hearing by the Department.
2 Fines shall not be assessed in disciplinary actions involving
3 physical or mental illness or impairment.

4 In instances in which the Secretary immediately suspends a
5 person's license under this Section, a hearing on that person's
6 license must be convened by the Department within 15 days after
7 the suspension and completed without appreciable delay. The
8 Department shall have the authority to review the subject
9 individual's record of treatment and counseling regarding the
10 impairment to the extent permitted by applicable federal
11 statutes and regulations safeguarding the confidentiality of
12 medical records.

13 An individual licensed under this Act and affected under
14 this Section shall be afforded an opportunity to demonstrate to
15 the Department that he or she can resume practice in compliance
16 with acceptable and prevailing standards under the provisions
17 of his or her license.

18 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;
19 98-756, eff. 7-16-14.)

20 (225 ILCS 30/96 new)

21 Sec. 96. Applicant convictions.

22 (a) The Department shall not require the applicant to
23 report the following information and shall not consider the
24 following criminal history records in connection with an
25 application for licensure:

1 (1) Juvenile adjudications of delinquent minors as
2 defined in Section 5-105 of the Juvenile Court Act of 1987,
3 subject to the restrictions set forth in Section 5-130 of
4 the Juvenile Court Act of 1987.

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

10 (3) Records of arrest not followed by a conviction
11 unless related to the practice of the profession. However,
12 applicants shall not be asked to report any arrests, and,
13 an arrest not followed by a conviction shall not be the
14 basis of a denial and may be used only to assess an
15 applicant's rehabilitation.

16 (4) Convictions overturned by a higher court.

17 (5) Convictions or arrests that have been sealed or
18 expunged.

19 (b) When reviewing, for the purpose of licensure, a
20 conviction of any felony or a misdemeanor directly related to
21 the practice of the profession of an applicant, the Department
22 shall consider any evidence of rehabilitation and mitigating
23 factors contained in the applicant's record, including any of
24 the following:

25 (1) the lack of direct relation of the offense for
26 which the applicant was previously convicted to the duties,

1 functions, and responsibilities of the position for which a
2 license is sought;

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

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

11 (4) the age of the person at the time of the criminal
12 offense;

13 (5) for applicants serving a term of parole or
14 probation, a progress report provided by the applicant's
15 probation or parole officer that documents the applicant's
16 compliance with conditions of supervision;

17 (6) evidence of the applicant's present fitness and
18 professional character;

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

26 (8) any other mitigating factors that contribute to the

1 person's potential and current ability to perform the
2 duties and responsibilities of the position for which a
3 license or employment is sought.

4 (c) It is the affirmative obligation of the Department to
5 demonstrate that a prior conviction would impair the ability of
6 the applicant to engage in the licensed practice. If the
7 Department refuses to issue a license to an applicant, then the
8 Department shall notify the applicant of the denial in writing
9 with the following included in the notice of denial:

10 (1) a statement about the decision to refuse to issue a
11 license;

12 (2) a list of the conviction items that formed the sole
13 or partial basis for the refusal to issue a license;

14 (3) a list of the mitigating evidence presented by the
15 applicant;

16 (4) reasons for refusing to issue a license specific to
17 the evidence presented in mitigation of conviction items
18 that formed the partial or sole basis for the Department's
19 decision; and

20 (5) a summary of the appeal process or the earliest the
21 applicant may reapply for a license, whichever is
22 applicable.

23 (d) No later than May 1 of each year, the Department must
24 prepare, publicly announce, and publish a report of summary
25 statistical information relating to new and renewal license
26 applications during the preceding calendar year. Each report

1 shall show at minimum:

2 (1) the number of applicants for a new or renewal
3 license under this Act within the previous calendar year;

4 (2) the number of applicants for a new or renewal
5 license under this Act within the previous calendar year
6 who had any criminal conviction;

7 (3) the number of applicants for a new or renewal
8 license under this Act in the previous calendar year who
9 were granted a license;

10 (4) the number of applicants for a new or renewal
11 license with a criminal conviction who were granted a
12 license under this Act within the previous calendar year;

13 (5) the number of applicants for a new or renewal
14 license under this Act within the previous calendar year
15 who were denied a license;

16 (6) the number of applicants for a new or renewal
17 license with a criminal conviction who were denied a
18 license under this Act in the previous calendar year in
19 part or in whole because of a prior conviction;

20 (7) the number of probationary licenses without
21 monitoring issued under this Act in the previous calendar
22 year to applicants with criminal conviction; and

23 (8) the number of probationary licenses with
24 monitoring issued under this Act in the previous calendar
25 year to applicants with criminal conviction.

1 Section 40. The Environmental Health Practitioner
2 Licensing Act is amended by changing Section 35 and by adding
3 Section 32 as follows:

4 (225 ILCS 37/32 new)

5 Sec. 32. Applicant convictions.

6 (a) The Department shall not require the applicant to
7 report the following information and shall not consider the
8 following criminal history records in connection with an
9 application for licensure:

10 (1) Juvenile adjudications of delinquent minors as
11 defined in Section 5-105 of the Juvenile Court Act of 1987,
12 subject to the restrictions set forth in Section 5-130 of
13 the Juvenile Court Act of 1987.

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

19 (3) Records of arrest not followed by a conviction
20 unless related to the practice of the profession. However,
21 applicants shall not be asked to report any arrests, and,
22 an arrest not followed by a conviction shall not be the
23 basis of a denial and may be used only to assess an
24 applicant's rehabilitation.

25 (4) Convictions overturned by a higher court.

1 (5) Convictions or arrests that have been sealed or
2 expunged.

3 (b) When reviewing, for the purpose of determining whether
4 to grant a license, a conviction of any misdemeanor directly
5 related to the practice of the profession or of any felony of
6 the applicant, the Department shall consider any evidence of
7 rehabilitation and mitigating factors contained in the
8 applicant's record, including any of the following:

9 (1) the lack of direct relation of the offense for
10 which the applicant was previously convicted to the duties,
11 functions, and responsibilities of the position for which a
12 license is sought;

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

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

21 (4) the age of the person at the time of the criminal
22 offense;

23 (5) successful completion of sentence and, for
24 applicants serving a term of parole or probation, a
25 progress report provided by the applicant's probation or
26 parole officer that documents the applicant's compliance

1 with conditions of supervision;

2 (6) evidence of the applicant's present fitness and
3 professional character;

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

11 (9) any other mitigating factors that contribute to the
12 person's potential and current ability to perform the
13 duties and responsibilities of the position for which a
14 license or employment is sought.

15 (c) It is the affirmative obligation of the Department to
16 demonstrate that a prior conviction would impair the ability of
17 the applicant to engage in the licensed practice. If the
18 Department refuses to issue a license to an applicant, then the
19 applicant shall be notified of the denial in writing with the
20 following included in the notice of denial:

21 (1) a statement about the decision to refuse to issue a
22 license;

23 (2) a list of the convictions that formed the sole or
24 partial basis for the refusal to issue a license;

25 (3) a list of the mitigating evidence presented by the
26 applicant;

1 (4) reasons for refusing to issue a license specific to
2 the evidence presented in mitigation of conviction items
3 that formed the partial or sole basis for the Department's
4 decision; and

5 (5) a summary of the appeal process or the earliest the
6 applicant may reapply for a license, whichever is
7 applicable.

8 (d) No later than May 1 of each year, the Department must
9 prepare, publicly announce, and publish a report of summary
10 statistical information relating to new and renewal license
11 applications during the preceding calendar year. Each report
12 shall show at minimum:

13 (1) the number of applicants for a new or renewal
14 license under this Act within the previous calendar year;

15 (2) the number of applicants for a new or renewal
16 license under this Act within the previous calendar year
17 who had any criminal conviction;

18 (3) the number of applicants for a new or renewal
19 license under this Act in the previous calendar year who
20 were granted a license;

21 (4) the number of applicants for a new or renewal
22 license with a criminal conviction who were granted a
23 license under this Act within the previous calendar year;

24 (5) the number of applicants for a new or renewal
25 license under this Act within the previous calendar year
26 who were denied a license;

1 (6) the number of applicants for a new or renewal
2 license with a criminal conviction who were denied a
3 license under this Act in the previous calendar year in
4 part or in whole because of a prior conviction;

5 (7) the number of probationary licenses without
6 monitoring issued under this Act in the previous calendar
7 year to applicants with criminal conviction; and

8 (8) the number of probationary licenses with
9 monitoring issued under this Act in the previous calendar
10 year to applicants with criminal conviction.

11 (225 ILCS 37/35)

12 (Section scheduled to be repealed on January 1, 2019)

13 Sec. 35. Grounds for discipline.

14 (a) The Department may refuse to issue or renew, or may
15 revoke, suspend, place on probation, reprimand, or take other
16 disciplinary action with regard to any license issued under
17 this Act as the Department may consider proper, including the
18 imposition of fines not to exceed \$5,000 for each violation,
19 for any one or combination of the following causes:

20 (1) Material misstatement in furnishing information to
21 the Department.

22 (2) Violations of this Act or its rules.

23 (3) For licensees, conviction ~~Conviction~~ of any felony
24 under the laws of any U.S. jurisdiction, any misdemeanor an
25 essential element of which is dishonesty, or any crime that

1 is directly related to the practice of the profession and,
2 for applicants only, convictions set forth in Section 32 of
3 this Act may be grounds for refusing to issue a license.

4 (4) Making any misrepresentation for the purpose of
5 obtaining a certificate of registration.

6 (5) Professional incompetence.

7 (6) Aiding or assisting another person in violating any
8 provision of this Act or its rules.

9 (7) Failing to provide information within 60 days in
10 response to a written request made by the Department.

11 (8) Engaging in dishonorable, unethical, or
12 unprofessional conduct of a character likely to deceive,
13 defraud, or harm the public as defined by rules of the
14 Department.

15 (9) Habitual or excessive use or addiction to alcohol,
16 narcotics, stimulants, or any other chemical agent or drug
17 that results in an environmental health practitioner's
18 inability to practice with reasonable judgment, skill, or
19 safety.

20 (10) Discipline by another U.S. jurisdiction or
21 foreign nation, if at least one of the grounds for a
22 discipline is the same or substantially equivalent to those
23 set forth in this Act.

24 (11) A finding by the Department that the registrant,
25 after having his or her license placed on probationary
26 status, has violated the terms of probation.

1 (12) Willfully making or filing false records or
2 reports in his or her practice, including, but not limited
3 to, false records filed with State agencies or departments.

4 (13) Physical illness, including, but not limited to,
5 deterioration through the aging process or loss of motor
6 skills that result in the inability to practice the
7 profession with reasonable judgment, skill, or safety.

8 (14) Failure to comply with rules promulgated by the
9 Illinois Department of Public Health or other State
10 agencies related to the practice of environmental health.

11 (15) The Department shall deny any application for a
12 license or renewal of a license under this Act, without
13 hearing, to a person who has defaulted on an educational
14 loan guaranteed by the Illinois Student Assistance
15 Commission; however, the Department may issue a license or
16 renewal of a license if the person in default has
17 established a satisfactory repayment record as determined
18 by the Illinois Student Assistance Commission.

19 (16) Solicitation of professional services by using
20 false or misleading advertising.

21 (17) A finding that the license has been applied for or
22 obtained by fraudulent means.

23 (18) Practicing or attempting to practice under a name
24 other than the full name as shown on the license or any
25 other legally authorized name.

26 (19) Gross overcharging for professional services

1 including filing statements for collection of fees or
2 moneys for which services are not rendered.

3 (b) The Department may refuse to issue or may suspend the
4 license of any person who fails to (i) file a return, (ii) pay
5 the tax, penalty, or interest shown in a filed return; or (iii)
6 pay any final assessment of the tax, penalty, or interest as
7 required by any tax Act administered by the Illinois Department
8 of Revenue until the requirements of the tax Act are satisfied.

9 (c) The determination by a circuit court that a licensee is
10 subject to involuntary admission or judicial admission to a
11 mental health facility as provided in the Mental Health and
12 Developmental Disabilities Code operates as an automatic
13 suspension. The suspension may end only upon a finding by a
14 court that the licensee is no longer subject to involuntary
15 admission or judicial admission, the issuance of an order so
16 finding and discharging the patient, and the recommendation of
17 the Board to the Director that the licensee be allowed to
18 resume practice.

19 (d) In enforcing this Section, the Department, upon a
20 showing of a possible violation, may compel any person licensed
21 to practice under this Act or who has applied for licensure or
22 certification pursuant to this Act to submit to a mental or
23 physical examination, or both, as required by and at the
24 expense of the Department. The examining physicians shall be
25 those specifically designated by the Department. The
26 Department may order the examining physician to present

1 testimony concerning this mental or physical examination of the
2 licensee or applicant. No information shall be excluded by
3 reason of any common law or statutory privilege relating to
4 communications between the licensee or applicant and the
5 examining physician. The person to be examined may have, at his
6 or her own expense, another physician of his or her choice
7 present during all aspects of the examination. Failure of any
8 person to submit to a mental or physical examination, when
9 directed, shall be grounds for suspension of a license until
10 the person submits to the examination if the Department finds,
11 after notice and hearing, that the refusal to submit to the
12 examination was without reasonable cause.

13 If the Department finds an individual unable to practice
14 because of the reasons set forth in this Section, the
15 Department may require that individual to submit to care,
16 counseling, or treatment by physicians approved or designated
17 by the Department, as a condition, term, or restriction for
18 continued, reinstated, or renewed licensure to practice or, in
19 lieu of care, counseling, or treatment, the Department may file
20 a complaint to immediately suspend, revoke, or otherwise
21 discipline the license of the individual.

22 Any person whose license was granted, continued,
23 reinstated, renewed, disciplined, or supervised subject to
24 such terms, conditions, or restrictions and who fails to comply
25 with such terms, conditions, or restrictions shall be referred
26 to the Director for a determination as to whether the person

1 shall have his or her license suspended immediately, pending a
2 hearing by the Department.

3 In instances in which the Director immediately suspends a
4 person's license under this Section, a hearing on that person's
5 license must be convened by the Department within 15 days after
6 the suspension and completed without appreciable delay. The
7 Department shall have the authority to review the subject
8 person's record of treatment and counseling regarding the
9 impairment, to the extent permitted by applicable federal
10 statutes and regulations safeguarding the confidentiality of
11 medical records.

12 A person licensed under this Act and affected under this
13 Section shall be afforded an opportunity to demonstrate to the
14 Department that he or she can resume practice in compliance
15 with acceptable and prevailing standards under the provisions
16 of his or her license.

17 (Source: P.A. 92-837, eff. 8-22-02.)

18 Section 45. The Massage Licensing Act is amended by
19 changing Sections 15 and 45 and by adding Section 15.1 as
20 follows:

21 (225 ILCS 57/15)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 15. Licensure requirements.

24 (a) Persons engaged in massage for compensation must be

1 licensed by the Department. The Department shall issue a
2 license to an individual who meets all of the following
3 requirements:

4 (1) The applicant has applied in writing on the
5 prescribed forms and has paid the required fees.

6 (2) The applicant is at least 18 years of age and of
7 good moral character. In determining good moral character,
8 the Department may take into consideration conviction of
9 any crime under the laws of the United States or any state
10 or territory thereof that is a felony or is a misdemeanor
11 ~~or any crime that is~~ directly related to the practice of
12 the profession and evidence of rehabilitation and
13 mitigating factors set forth in Section 15.1 of this Act.
14 Such a conviction shall not operate automatically as a
15 complete bar to a license, except in the case of any
16 conviction for prostitution, rape, or sexual misconduct,
17 or where the applicant is a registered sex offender.

18 (3) The applicant has met one of the following
19 requirements:

20 (A) has successfully completed a massage therapy
21 program approved by the Department that requires a
22 minimum of 500 hours, except applicants applying on or
23 after January 1, 2014 shall meet a minimum requirement
24 of 600 hours, and has passed a competency examination
25 approved by the Department;

26 (B) holds a current license from another

1 jurisdiction having licensure requirements that
2 include the completion of a massage therapy program of
3 at least 500 hours; or

4 (C) (blank).

5 (b) Each applicant for licensure as a massage therapist
6 shall have his or her fingerprints submitted to the Department
7 of State Police in an electronic format that complies with the
8 form and manner for requesting and furnishing criminal history
9 record information as prescribed by the Department of State
10 Police. These fingerprints shall be checked against the
11 Department of State Police and Federal Bureau of Investigation
12 criminal history record databases now and hereafter filed. The
13 Department of State Police shall charge applicants a fee for
14 conducting the criminal history records check, which shall be
15 deposited into the State Police Services Fund and shall not
16 exceed the actual cost of the records check. The Department of
17 State Police shall furnish, pursuant to positive
18 identification, records of Illinois convictions to the
19 Department. The Department may require applicants to pay a
20 separate fingerprinting fee, either to the Department or to a
21 vendor. The Department, in its discretion, may allow an
22 applicant who does not have reasonable access to a designated
23 vendor to provide his or her fingerprints in an alternative
24 manner. The Department may adopt any rules necessary to
25 implement this Section.

26 (Source: P.A. 97-514, eff. 8-23-11.)

1 (225 ILCS 57/15.1 new)

2 Sec. 15.1. Applicant convictions.

3 (a) The Department shall not require the applicant to
4 report the following information and shall not consider the
5 following criminal history records in connection with an
6 application for licensure:

7 (1) Juvenile adjudications of delinquent minors as
8 defined in Section 5-105 of the Juvenile Court Act of 1987,
9 subject to the restrictions set forth in Section 5-130 of
10 the Juvenile Court Act of 1987.

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

16 (3) Records of arrest not followed by a conviction
17 unless related to the practice of the profession. However,
18 applicants shall not be asked to report any arrests, and,
19 an arrest not followed by a conviction shall not be the
20 basis of a denial and may be used only to assess an
21 applicant's rehabilitation.

22 (4) Convictions overturned by a higher court.

23 (5) Convictions or arrests that have been sealed or
24 expunged.

25 (b) No application for any license under this Act shall be

1 denied by reason of a finding of lack of "good moral character"
2 when the finding is based upon the fact that the applicant has
3 previously been convicted of one or more criminal offenses.
4 When reviewing, for the purpose of determining moral character
5 or licensure, a conviction of any felony or a misdemeanor
6 directly related to the practice of the profession, except of
7 an offense related to prostitution, rape, or sexual misconduct,
8 or where the applicant is a registered sex offender, by plea of
9 guilty or nolo contendere, finding of guilt, jury verdict, or
10 entry of judgment or by sentencing of an applicant, the
11 Department shall consider any evidence of rehabilitation and
12 mitigating factors contained in the applicant's record,
13 including any of the following:

14 (1) the lack of direct relation of the offense for
15 which the applicant was previously convicted to the duties,
16 functions, and responsibilities of the position for which a
17 license is sought;

18 (2) Whether 5 years since a felony conviction not
19 involving prostitution, rape, or sexual misconduct, or
20 requiring registration as a sex offender, or 3 years since
21 release from confinement for the conviction, whichever is
22 later, have passed without a subsequent conviction;

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

1 (4) the age of the person at the time of the criminal
2 offense;

3 (5) successful completion of sentence and, for
4 applicants serving a term of parole or probation, a
5 progress report provided by the applicant's probation or
6 parole officer that documents the applicant's compliance
7 with conditions of supervision;

8 (6) evidence of the applicant's present fitness and
9 professional character;

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

17 (8) any other mitigating factors that contribute to the
18 person's potential and current ability to perform the
19 duties and responsibilities of the position for which a
20 license or employment is sought.

21 (c) It is the affirmative obligation of the Department to
22 demonstrate that a prior conviction would impair the ability of
23 the applicant to engage in the licensed practice. If the
24 Department refuses to issue a license to an applicant, then the
25 Department shall notify the applicant of the denial in writing
26 with the following included in the notice of denial:

1 (1) a statement about the decision to refuse to issue a
2 license;

3 (2) a list of the conviction items that formed the sole
4 or partial basis for the refusal to issue a license;

5 (3) a list of the mitigating evidence presented by the
6 applicant;

7 (4) reasons for refusing to issue a license specific to
8 the evidence presented in mitigation of conviction items
9 that formed the partial or sole basis for the Department's
10 decision; and

11 (5) a summary of the appeal process or the earliest the
12 applicant may reapply for a license, whichever is
13 applicable.

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

19 (1) the number of applicants for a new or renewal
20 license under this Act within the previous calendar year;

21 (2) the number of applicants for a new or renewal
22 license under this Act within the previous calendar year
23 who had any criminal conviction;

24 (3) the number of applicants for a new or renewal
25 license under this Act in the previous calendar year who
26 were granted a license;

1 (4) the number of applicants for a new or renewal
2 license with a criminal conviction who were granted a
3 license under this Act within the previous calendar year;

4 (5) the number of applicants for a new or renewal
5 license under this Act within the previous calendar year
6 who were denied a license;

7 (6) the number of applicants for a new or renewal
8 license with a criminal conviction who were denied a
9 license under this Act in the previous calendar year in
10 part or in whole because of a prior conviction;

11 (7) the number of probationary licenses without
12 monitoring issued under this Act in the previous calendar
13 year to applicants with criminal conviction; and

14 (8) the number of probationary licenses with
15 monitoring issued under this Act in the previous calendar
16 year to applicants with criminal conviction.

17 (225 ILCS 57/45)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 45. Grounds for discipline.

20 (a) The Department may refuse to issue or renew, or may
21 revoke, suspend, place on probation, reprimand, or take other
22 disciplinary or non-disciplinary action, as the Department
23 considers appropriate, including the imposition of fines not to
24 exceed \$10,000 for each violation, with regard to any license
25 or licensee for any one or more of the following:

1 (1) violations of this Act or of the rules adopted
2 under this Act;

3 (2) for licensees, conviction by plea of guilty or nolo
4 contendere, finding of guilt, jury verdict, or entry of
5 judgment or by sentencing of any crime, including, but not
6 limited to, convictions, preceding sentences of
7 supervision, conditional discharge, or first offender
8 probation, under the laws of any jurisdiction of the United
9 States: (i) that is a felony; or (ii) that is a
10 misdemeanor, an essential element of which is dishonesty,
11 or that is directly related to the practice of the
12 profession; for applicants, provisions set forth in
13 Section 15.1 apply;

14 (3) professional incompetence;

15 (4) advertising in a false, deceptive, or misleading
16 manner;

17 (5) aiding, abetting, assisting, procuring, advising,
18 employing, or contracting with any unlicensed person to
19 practice massage contrary to any rules or provisions of
20 this Act;

21 (6) engaging in immoral conduct in the commission of
22 any act, such as sexual abuse, sexual misconduct, or sexual
23 exploitation, related to the licensee's practice;

24 (7) engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public;

1 (8) practicing or offering to practice beyond the scope
2 permitted by law or accepting and performing professional
3 responsibilities which the licensee knows or has reason to
4 know that he or she is not competent to perform;

5 (9) knowingly delegating professional responsibilities
6 to a person unqualified by training, experience, or
7 licensure to perform;

8 (10) failing to provide information in response to a
9 written request made by the Department within 60 days;

10 (11) having a habitual or excessive use of or addiction
11 to alcohol, narcotics, stimulants, or any other chemical
12 agent or drug which results in the inability to practice
13 with reasonable judgment, skill, or safety;

14 (12) having a pattern of practice or other behavior
15 that demonstrates incapacity or incompetence to practice
16 under this Act;

17 (13) discipline by another state, District of
18 Columbia, territory, or foreign nation, if at least one of
19 the grounds for the discipline is the same or substantially
20 equivalent to those set forth in this Section;

21 (14) a finding by the Department that the licensee,
22 after having his or her license placed on probationary
23 status, has violated the terms of probation;

24 (15) willfully making or filing false records or
25 reports in his or her practice, including, but not limited
26 to, false records filed with State agencies or departments;

1 (16) making a material misstatement in furnishing
2 information to the Department or otherwise making
3 misleading, deceptive, untrue, or fraudulent
4 representations in violation of this Act or otherwise in
5 the practice of the profession;

6 (17) fraud or misrepresentation in applying for or
7 procuring a license under this Act or in connection with
8 applying for renewal of a license under this Act;

9 (18) inability to practice the profession with
10 reasonable judgment, skill, or safety as a result of
11 physical illness, including, but not limited to,
12 deterioration through the aging process, loss of motor
13 skill, or a mental illness or disability;

14 (19) charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered;

17 (20) practicing under a false or, except as provided by
18 law, an assumed name; or

19 (21) cheating on or attempting to subvert the licensing
20 examination administered under this Act.

21 All fines shall be paid within 60 days of the effective
22 date of the order imposing the fine.

23 (b) A person not licensed under this Act and engaged in the
24 business of offering massage therapy services through others,
25 shall not aid, abet, assist, procure, advise, employ, or
26 contract with any unlicensed person to practice massage therapy

1 contrary to any rules or provisions of this Act. A person
2 violating this subsection (b) shall be treated as a licensee
3 for the purposes of disciplinary action under this Section and
4 shall be subject to cease and desist orders as provided in
5 Section 90 of this Act.

6 (c) The Department shall revoke any license issued under
7 this Act of any person who is convicted of prostitution, rape,
8 sexual misconduct, or any crime that subjects the licensee to
9 compliance with the requirements of the Sex Offender
10 Registration Act and any such conviction shall operate as a
11 permanent bar in the State of Illinois to practice as a massage
12 therapist.

13 (d) The Department may refuse to issue or may suspend the
14 license of any person who fails to file a tax return, to pay
15 the tax, penalty, or interest shown in a filed tax return, or
16 to pay any final assessment of tax, penalty, or interest, as
17 required by any tax Act administered by the Illinois Department
18 of Revenue, until such time as the requirements of the tax Act
19 are satisfied in accordance with subsection (g) of Section
20 2105-15 of the Civil Administrative Code of Illinois.

21 (e) The Department shall deny a license or renewal
22 authorized by this Act to a person who has defaulted on an
23 educational loan or scholarship provided or guaranteed by the
24 Illinois Student Assistance Commission or any governmental
25 agency of this State in accordance with item (5) of subsection
26 (a) of Section 2105-15 of the Civil Administrative Code of

1 Illinois.

2 (f) In cases where the Department of Healthcare and Family
3 Services has previously determined that a licensee or a
4 potential licensee is more than 30 days delinquent in the
5 payment of child support and has subsequently certified the
6 delinquency to the Department, the Department may refuse to
7 issue or renew or may revoke or suspend that person's license
8 or may take other disciplinary action against that person based
9 solely upon the certification of delinquency made by the
10 Department of Healthcare and Family Services in accordance with
11 item (5) of subsection (a) of Section 2105-15 of the Civil
12 Administrative Code of Illinois.

13 (g) The determination by a circuit court that a licensee is
14 subject to involuntary admission or judicial admission, as
15 provided in the Mental Health and Developmental Disabilities
16 Code, operates as an automatic suspension. The suspension will
17 end only upon a finding by a court that the patient is no
18 longer subject to involuntary admission or judicial admission
19 and the issuance of a court order so finding and discharging
20 the patient.

21 (h) In enforcing this Act, the Department or Board, upon a
22 showing of a possible violation, may compel an individual
23 licensed to practice under this Act, or who has applied for
24 licensure under this Act, to submit to a mental or physical
25 examination, or both, as required by and at the expense of the
26 Department. The Department or Board may order the examining

1 physician to present testimony concerning the mental or
2 physical examination of the licensee or applicant. No
3 information shall be excluded by reason of any common law or
4 statutory privilege relating to communications between the
5 licensee or applicant and the examining physician. The
6 examining physicians shall be specifically designated by the
7 Board or Department. The individual to be examined may have, at
8 his or her own expense, another physician of his or her choice
9 present during all aspects of this examination. The examination
10 shall be performed by a physician licensed to practice medicine
11 in all its branches. Failure of an individual to submit to a
12 mental or physical examination, when directed, shall result in
13 an automatic suspension without hearing.

14 A person holding a license under this Act or who has
15 applied for a license under this Act who, because of a physical
16 or mental illness or disability, including, but not limited to,
17 deterioration through the aging process or loss of motor skill,
18 is unable to practice the profession with reasonable judgment,
19 skill, or safety, may be required by the Department to submit
20 to care, counseling, or treatment by physicians approved or
21 designated by the Department as a condition, term, or
22 restriction for continued, reinstated, or renewed licensure to
23 practice. Submission to care, counseling, or treatment as
24 required by the Department shall not be considered discipline
25 of a license. If the licensee refuses to enter into a care,
26 counseling, or treatment agreement or fails to abide by the

1 terms of the agreement, the Department may file a complaint to
2 revoke, suspend, or otherwise discipline the license of the
3 individual. The Secretary may order the license suspended
4 immediately, pending a hearing by the Department. Fines shall
5 not be assessed in disciplinary actions involving physical or
6 mental illness or impairment.

7 In instances in which the Secretary immediately suspends a
8 person's license under this Section, a hearing on that person's
9 license must be convened by the Department within 15 days after
10 the suspension and completed without appreciable delay. The
11 Department and Board shall have the authority to review the
12 subject individual's record of treatment and counseling
13 regarding the impairment to the extent permitted by applicable
14 federal statutes and regulations safeguarding the
15 confidentiality of medical records.

16 An individual licensed under this Act and affected under
17 this Section shall be afforded an opportunity to demonstrate to
18 the Department or Board that he or she can resume practice in
19 compliance with acceptable and prevailing standards under the
20 provisions of his or her license.

21 (Source: P.A. 97-514, eff. 8-23-11; 98-756, eff. 7-16-14.)

22 Section 50. The Veterinary Medicine and Surgery Practice
23 Act of 2004 is amended by changing Section 25 and adding
24 Section 8.2 as follows:

1 (225 ILCS 115/8.2 new)

2 Sec. 8.2. Applicant convictions.

3 (a) The Department shall not require the applicant to
4 report information about the following and shall not consider
5 the following criminal history records in connection with an
6 application for a license or certification under this Act:

7 (1) Juvenile adjudications of delinquent minors as
8 defined in Section 5-105 of the Juvenile Court Act of 1987,
9 subject to the restrictions set forth in Section 5-130 of
10 the Juvenile Court Act of 1987.

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

16 (3) Records of arrest not followed by a conviction
17 unless related to the practice of the profession. However,
18 applicants shall not be asked to report any arrests, and,
19 an arrest not followed by a conviction shall not be the
20 basis of a denial and may be used only to assess an
21 applicant's rehabilitation.

22 (4) Convictions overturned by a higher court.

23 (5) Convictions or arrests that have been sealed or
24 expunged.

25 (b) When determining whether to grant a license or
26 certification to an applicant with a prior conviction of any

1 felony or a misdemeanor directly related to the practice of the
2 profession, the Department shall consider any evidence of
3 rehabilitation and mitigating factors contained in the
4 applicant's record, including any of the following:

5 (1) the lack of direct relation of the offense for
6 which the applicant was previously convicted to the duties,
7 functions, and responsibilities of the position for which a
8 license or certificate is sought;

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

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

17 (4) the age of the person at the time of the criminal
18 offense;

19 (5) successful completion of sentence and, for
20 applicants serving a term of parole or probation, a
21 progress report provided by the applicant's probation or
22 parole officer that documents the applicant's compliance
23 with conditions of supervision;

24 (6) evidence of the applicant's present fitness and
25 professional character;

26 (7) evidence of rehabilitation or rehabilitative

1 effort during or after incarceration, or during or after a
2 term of supervision, including, but not limited to, a
3 certificate of good conduct under Section 5-5.5-25 of the
4 Unified Code of Corrections or a certificate of relief from
5 disabilities under Section 5-5.5-10 of the Unified Code of
6 Corrections; and

7 (8) any other mitigating factors that contribute to the
8 person's potential and current ability to perform the
9 duties and responsibilities of the position for which a
10 license or employment is sought.

11 (c) It is the affirmative obligation of the Department to
12 demonstrate that a prior conviction would impair the ability of
13 the applicant to engage in the practice requiring a license or
14 certification. If the Department refuses to grant a license or
15 certification to an applicant, then the Department shall notify
16 the applicant of the denial in writing with the following
17 included in the notice of denial:

18 (1) a statement about the decision to refuse to issue a
19 license or certification;

20 (2) a list of the convictions that formed the sole or
21 partial basis for the refusal to issue a license or
22 certification;

23 (3) a list of the mitigating evidence presented by the
24 applicant;

25 (4) reasons for refusing to issue a license or
26 certification specific to the evidence presented in

1 mitigation of conviction items that formed the partial or
2 sole basis for the Department's decision; and

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

6 (d) No later than May 1 of each year, the Department
7 must prepare, publicly announce, and publish a report of
8 summary statistical information relating to new and
9 renewal license applications during the preceding calendar
10 year. Each report shall show at minimum:

11 (1) the number of applicants for a new or renewal
12 license or certification under this Act within the previous
13 calendar year;

14 (2) the number of applicants for a new or renewal
15 license or certification under this Act within the previous
16 calendar year who had any criminal conviction;

17 (3) the number of applicants for a new or renewal
18 license or certification under this Act in the previous
19 calendar year who were granted a license or certification;

20 (4) the number of applicants for a new or renewal
21 license or certification with a criminal conviction who
22 were granted a license or certification under this Act
23 within the previous calendar year;

24 (5) the number of applicants for a new or renewal
25 license or certification under this Act within the previous
26 calendar year who were denied a license or certification;

1 (6) the number of applicants for new or renewal license
2 or certification with a criminal conviction who were denied
3 a license or certification under this Act in the previous
4 calendar year in part or in whole because of a prior
5 conviction;

6 (7) the number of probationary licenses or
7 certification without monitoring issued under this Act in
8 the previous calendar year to applicants with a criminal
9 conviction; and

10 (8) the number of probationary licenses or
11 certification with monitoring issued under this Act in the
12 previous calendar year to applicants with criminal
13 conviction.

14 (225 ILCS 115/25) (from Ch. 111, par. 7025)

15 (Section scheduled to be repealed on January 1, 2024)

16 Sec. 25. Disciplinary actions.

17 1. The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary or non-disciplinary action as the Department may
20 deem appropriate, including imposing fines not to exceed
21 \$10,000 for each violation and the assessment of costs as
22 provided for in Section 25.3 of this Act, with regard to any
23 license or certificate for any one or combination of the
24 following:

25 A. Material misstatement in furnishing information to

1 the Department.

2 B. Violations of this Act, or of the rules adopted
3 pursuant to this Act.

4 C. For licensees, conviction ~~Conviction~~ by plea of
5 guilty or nolo contendere, finding of guilt, jury verdict,
6 or entry of judgment or by sentencing of any crime,
7 including, but not limited to, convictions, preceding
8 sentences of supervision, conditional discharge, or first
9 offender probation, under the laws of any jurisdiction of
10 the United States that is (i) a felony or (ii) a
11 misdemeanor, an essential element of which is dishonesty,
12 or that is directly related to the practice of the
13 profession and, for applicants, provisions set forth in
14 Section 8.2 apply.

15 D. Fraud or any misrepresentation in applying for or
16 procuring a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 E. Professional incompetence.

19 F. Malpractice.

20 G. Aiding or assisting another person in violating any
21 provision of this Act or rules.

22 H. Failing, within 60 days, to provide information in
23 response to a written request made by the Department.

24 I. Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public.

1 J. Habitual or excessive use or abuse of drugs defined
2 in law as controlled substances, alcohol, or any other
3 substance that results in the inability to practice with
4 reasonable judgment, skill, or safety.

5 K. Discipline by another state, unit of government,
6 government agency, District of Columbia, territory, or
7 foreign nation, if at least one of the grounds for the
8 discipline is the same or substantially equivalent to those
9 set forth herein.

10 L. Charging for professional services not rendered,
11 including filing false statements for the collection of
12 fees for which services are not rendered.

13 M. A finding by the Board that the licensee or
14 certificate holder, after having his license or
15 certificate placed on probationary status, has violated
16 the terms of probation.

17 N. Willfully making or filing false records or reports
18 in his practice, including but not limited to false records
19 filed with State agencies or departments.

20 O. Physical illness, including but not limited to,
21 deterioration through the aging process, or loss of motor
22 skill which results in the inability to practice under this
23 Act with reasonable judgment, skill, or safety.

24 P. Solicitation of professional services other than
25 permitted advertising.

26 Q. Allowing one's license under this Act to be used by

1 an unlicensed person in violation of this Act.

2 R. Conviction of or cash compromise of a charge or
3 violation of the Harrison Act or the Illinois Controlled
4 Substances Act, regulating narcotics.

5 S. Fraud or dishonesty in applying, treating, or
6 reporting on tuberculin or other biological tests.

7 T. Failing to report, as required by law, or making
8 false report of any contagious or infectious diseases.

9 U. Fraudulent use or misuse of any health certificate,
10 shipping certificate, brand inspection certificate, or
11 other blank forms used in practice that might lead to the
12 dissemination of disease or the transportation of diseased
13 animals dead or alive; or dilatory methods, willful
14 neglect, or misrepresentation in the inspection of milk,
15 meat, poultry, and the by-products thereof.

16 V. Conviction on a charge of cruelty to animals.

17 W. Failure to keep one's premises and all equipment
18 therein in a clean and sanitary condition.

19 X. Failure to provide satisfactory proof of having
20 participated in approved continuing education programs.

21 Y. Mental illness or disability that results in the
22 inability to practice under this Act with reasonable
23 judgment, skill, or safety.

24 Z. Conviction by any court of competent jurisdiction,
25 either within or outside this State, of any violation of
26 any law governing the practice of veterinary medicine, if

1 the Department determines, after investigation, that the
2 person has not been sufficiently rehabilitated to warrant
3 the public trust.

4 AA. Promotion of the sale of drugs, devices,
5 appliances, or goods provided for a patient in any manner
6 to exploit the client for financial gain of the
7 veterinarian.

8 BB. Gross, willful, or continued overcharging for
9 professional services.

10 CC. Practicing under a false or, except as provided by
11 law, an assumed name.

12 DD. Violating state or federal laws or regulations
13 relating to controlled substances or legend drugs.

14 EE. Cheating on or attempting to subvert the licensing
15 examination administered under this Act.

16 FF. Using, prescribing, or selling a prescription drug
17 or the extra-label use of a prescription drug by any means
18 in the absence of a valid veterinarian-client-patient
19 relationship.

20 GG. Failing to report a case of suspected aggravated
21 cruelty, torture, or animal fighting pursuant to Section
22 3.07 or 4.01 of the Humane Care for Animals Act or Section
23 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal
24 Code of 2012.

25 All fines imposed under this Section shall be paid within
26 60 days after the effective date of the order imposing the fine

1 or in accordance with the terms set forth in the order imposing
2 the fine.

3 2. The determination by a circuit court that a licensee or
4 certificate holder is subject to involuntary admission or
5 judicial admission as provided in the Mental Health and
6 Developmental Disabilities Code operates as an automatic
7 suspension. The suspension will end only upon a finding by a
8 court that the patient is no longer subject to involuntary
9 admission or judicial admission and issues an order so finding
10 and discharging the patient. In any case where a license is
11 suspended under this provision, the licensee shall file a
12 petition for restoration and shall include evidence acceptable
13 to the Department that the licensee can resume practice in
14 compliance with acceptable and prevailing standards of his or
15 her profession.

16 3. All proceedings to suspend, revoke, place on
17 probationary status, or take any other disciplinary action as
18 the Department may deem proper, with regard to a license or
19 certificate on any of the foregoing grounds, must be commenced
20 within 5 years after receipt by the Department of a complaint
21 alleging the commission of or notice of the conviction order
22 for any of the acts described in this Section. Except for
23 proceedings brought for violations of items (CC), (DD), or
24 (EE), no action shall be commenced more than 5 years after the
25 date of the incident or act alleged to have violated this
26 Section. In the event of the settlement of any claim or cause

1 of action in favor of the claimant or the reduction to final
2 judgment of any civil action in favor of the plaintiff, the
3 claim, cause of action, or civil action being grounded on the
4 allegation that a person licensed or certified under this Act
5 was negligent in providing care, the Department shall have an
6 additional period of one year from the date of the settlement
7 or final judgment in which to investigate and begin formal
8 disciplinary proceedings under Section 25.2 of this Act, except
9 as otherwise provided by law. The time during which the holder
10 of the license or certificate was outside the State of Illinois
11 shall not be included within any period of time limiting the
12 commencement of disciplinary action by the Department.

13 4. The Department may refuse to issue or may suspend
14 without hearing, as provided for in the Illinois Code of Civil
15 Procedure, the license of any person who fails to file a
16 return, to pay the tax, penalty, or interest shown in a filed
17 return, or to pay any final assessment of tax, penalty, or
18 interest as required by any tax Act administered by the
19 Illinois Department of Revenue, until such time as the
20 requirements of any such tax Act are satisfied in accordance
21 with subsection (g) of Section 2105-15 of the Civil
22 Administrative Code of Illinois.

23 5. In enforcing this Section, the Department, upon a
24 showing of a possible violation, may compel any individual who
25 is registered under this Act or any individual who has applied
26 for registration to submit to a mental or physical examination

1 or evaluation, or both, which may include a substance abuse or
2 sexual offender evaluation, at the expense of the Department.
3 The Department shall specifically designate the examining
4 physician licensed to practice medicine in all of its branches
5 or, if applicable, the multidisciplinary team involved in
6 providing the mental or physical examination and evaluation.
7 The multidisciplinary team shall be led by a physician licensed
8 to practice medicine in all of its branches and may consist of
9 one or more or a combination of physicians licensed to practice
10 medicine in all of its branches, licensed chiropractic
11 physicians, licensed clinical psychologists, licensed clinical
12 social workers, licensed clinical professional counselors, and
13 other professional and administrative staff. Any examining
14 physician or member of the multidisciplinary team may require
15 any person ordered to submit to an examination and evaluation
16 pursuant to this Section to submit to any additional
17 supplemental testing deemed necessary to complete any
18 examination or evaluation process, including, but not limited
19 to, blood testing, urinalysis, psychological testing, or
20 neuropsychological testing.

21 The Department may order the examining physician or any
22 member of the multidisciplinary team to provide to the
23 Department any and all records, including business records,
24 that relate to the examination and evaluation, including any
25 supplemental testing performed. The Department may order the
26 examining physician or any member of the multidisciplinary team

1 to present testimony concerning this examination and
2 evaluation of the registrant or applicant, including testimony
3 concerning any supplemental testing or documents relating to
4 the examination and evaluation. No information, report,
5 record, or other documents in any way related to the
6 examination and evaluation shall be excluded by reason of any
7 common law or statutory privilege relating to communication
8 between the licensee or applicant and the examining physician
9 or any member of the multidisciplinary team. No authorization
10 is necessary from the registrant or applicant ordered to
11 undergo an evaluation and examination for the examining
12 physician or any member of the multidisciplinary team to
13 provide information, reports, records, or other documents or to
14 provide any testimony regarding the examination and
15 evaluation. The individual to be examined may have, at his or
16 her own expense, another physician of his or her choice present
17 during all aspects of the examination.

18 Failure of any individual to submit to mental or physical
19 examination or evaluation, or both, when directed, shall result
20 in an automatic suspension without hearing, until such time as
21 the individual submits to the examination. If the Department
22 finds a registrant unable to practice because of the reasons
23 set forth in this Section, the Department shall require such
24 registrant to submit to care, counseling, or treatment by
25 physicians approved or designated by the Department as a
26 condition for continued, reinstated, or renewed registration.

1 In instances in which the Secretary immediately suspends a
2 registration under this Section, a hearing upon such person's
3 registration must be convened by the Department within 15 days
4 after such suspension and completed without appreciable delay.
5 The Department shall have the authority to review the
6 registrant's record of treatment and counseling regarding the
7 impairment to the extent permitted by applicable federal
8 statutes and regulations safeguarding the confidentiality of
9 medical records.

10 Individuals registered under this Act who are affected
11 under this Section, shall be afforded an opportunity to
12 demonstrate to the Department that they can resume practice in
13 compliance with acceptable and prevailing standards under the
14 provisions of their registration.

15 6. The Department shall deny a license or renewal
16 authorized by this Act to a person who has defaulted on an
17 educational loan or scholarship provided or guaranteed by the
18 Illinois Student Assistance Commission or any governmental
19 agency of this State in accordance with paragraph (5) of
20 subsection (a) of Section 2105-15 of the Civil Administrative
21 Code of Illinois.

22 7. In cases where the Department of Healthcare and Family
23 Services has previously determined a licensee or a potential
24 licensee is more than 30 days delinquent in the payment of
25 child support and has subsequently certified the delinquency to
26 the Department, the Department may refuse to issue or renew or

1 may revoke or suspend that person's license or may take other
2 disciplinary action against that person based solely upon the
3 certification of delinquency made by the Department of
4 Healthcare and Family Services in accordance with paragraph (5)
5 of subsection (a) of Section 2105-15 of the Civil
6 Administrative Code of Illinois.

7 (Source: P.A. 98-339, eff. 12-31-13; 99-78, eff. 7-20-15.)

8 Section 55. The Pyrotechnic Distributor and Operator
9 Licensing Act is amended by changing Section 35 and by adding
10 Section 36 as follows:

11 (225 ILCS 227/35)

12 Sec. 35. Licensure requirements and fees.

13 (a) Each application for a license to practice under this
14 Act shall be in writing and signed by the applicant on forms
15 provided by the Office.

16 (b) After January 1, 2006, all pyrotechnic displays and
17 pyrotechnic services, both indoor and outdoor, must comply with
18 the requirements set forth in this Act.

19 (c) After January 1, 2006, no person may engage in
20 pyrotechnic distribution without first applying for and
21 obtaining a license from the Office. Applicants for a license
22 must submit to the Office the following:

23 (1) A current BATFE license for the type of pyrotechnic
24 service or pyrotechnic display provided.

1 (2) Proof of \$1,000,000 in product liability
2 insurance.

3 (3) Proof of \$1,000,000 in general liability insurance
4 that covers the pyrotechnic display or pyrotechnic service
5 provided.

6 (4) Proof of Illinois Workers' Compensation Insurance.

7 (5) A license fee set by the Office.

8 (6) Proof of a current United States Department of
9 Transportation (DOT) Identification Number.

10 (7) Proof of a current USDOT Hazardous Materials
11 Registration Number.

12 (8) Proof of having the requisite knowledge, either
13 through training, examination, or continuing education, as
14 established by Office rule.

15 (c-3) After January 1, 2010, no production company may
16 provide pyrotechnic displays or pyrotechnic services as part of
17 any production without either (i) obtaining a production
18 company license from the Office under which all pyrotechnic
19 displays and pyrotechnic services are performed by a licensed
20 lead pyrotechnic operator or (ii) hiring a pyrotechnic
21 distributor licensed in accordance with this Act to perform the
22 pyrotechnic displays or pyrotechnic services. Applicants for a
23 production company license must submit to the Office the
24 following:

25 (1) Proof of \$2,000,000 in commercial general
26 liability insurance that covers any damage or injury

1 resulting from the pyrotechnic displays or pyrotechnic
2 services provided.

3 (2) Proof of Illinois Worker's Compensation insurance.

4 (3) A license fee set by the Office.

5 (4) Proof of a current USDOT Identification Number,
6 unless:

7 (A) proof of such is provided by the lead
8 pyrotechnic operator employed by the production
9 company or insured as an additional named insured on
10 the production company's general liability insurance,
11 as required under paragraph (1) of this subsection; or

12 (B) the production company certifies under penalty
13 of perjury that it engages only in flame effects or
14 never transports materials in quantities that require
15 registration with USDOT, or both.

16 (5) Proof of a current USDOT Hazardous Materials
17 Registration Number, unless:

18 (A) proof of such is provided by the lead
19 pyrotechnic operator employed by the production
20 company or insured as an additional named insured on
21 the production company's general liability insurance,
22 as required under paragraph (1) of this subsection; or

23 (B) the production company certifies under penalty
24 of perjury that it engages only in flame effects or
25 never transports materials in quantities that require
26 registration with USDOT, or both.

1 (6) Identification of the licensed lead pyrotechnic
2 operator employed by the production company or insured as
3 an additional named insured on the production company's
4 general liability insurance, as required under paragraph
5 (1) of this subsection.

6 The insurer shall not cancel the insured's coverage or
7 remove any additional named insured or additional insured from
8 the policy coverage without notifying the Office in writing at
9 least 15 days before cancellation.

10 (c-5) After January 1, 2006, no individual may act as a
11 lead operator in a pyrotechnic display without first applying
12 for and obtaining a lead pyrotechnic operator's license from
13 the Office. The Office shall establish separate licenses for
14 lead pyrotechnic operators for indoor and outdoor pyrotechnic
15 displays. Applicants for a license must:

16 (1) Pay the fees set by the Office.

17 (2) Have the requisite training or continuing
18 education as established in the Office's rules.

19 (3) (Blank).

20 (d) A person is qualified to receive a license under this
21 Act if the person meets all of the following minimum
22 requirements:

23 (1) Is at least 21 years of age.

24 (2) Has not willfully violated any provisions of this
25 Act.

26 (3) Has not made any material misstatement or knowingly

1 withheld information in connection with any original or
2 renewal application.

3 (4) Has not been declared incompetent by any competent
4 court by reasons of mental or physical defect or disease
5 unless a court has since declared the person competent.

6 (5) Does not have an addiction to or dependency on
7 alcohol or drugs that is likely to endanger the public at a
8 pyrotechnic display.

9 (6) If convicted ~~Has not been convicted~~ in any
10 jurisdiction of any felony within the prior 5 years, has
11 been sufficiently rehabilitated following the conviction.

12 (7) Is not a fugitive from justice.

13 (8) Has, or has applied for, a BATFE explosives license
14 or a Letter of Clearance from the BATFE.

15 (9) If a lead pyrotechnic operator is employed by a
16 political subdivision of the State or by a licensed
17 production company or is insured as an additional named
18 insured on the production company's general liability
19 insurance, as required under paragraph (1) of subsection
20 (c-3) of this Section, he or she shall have a BATFE license
21 for the pyrotechnic services or pyrotechnic display
22 provided.

23 (10) If a production company has not provided proof of
24 a current USDOT Identification Number and a current USDOT
25 Hazardous Materials Registration Number, as required by
26 paragraphs (5) and (6) of subsection (c-3) of this Section,

1 then the lead pyrotechnic operator employed by the
2 production company or insured as an additional named
3 insured on the production company's general liability
4 insurance, as required under paragraph (1) of subsection
5 (c-3) of this Section, shall provide such proof to the
6 Office.

7 (e) A person is qualified to assist a lead pyrotechnic
8 operator if the person meets all of the following minimum
9 requirements:

10 (1) Is at least 18 years of age.

11 (2) Has not willfully violated any provision of this
12 Act.

13 (3) Has not been declared incompetent by any competent
14 court by reasons of mental or physical defect or disease
15 unless a court has since declared the person competent.

16 (4) Does not have an addiction to or dependency on
17 alcohol or drugs that is likely to endanger the public at a
18 pyrotechnic display.

19 (5) If convicted ~~Has not been convicted~~ in any
20 jurisdiction of any felony within the prior 5 years, has
21 been sufficiently rehabilitated following the conviction.

22 (6) Is not a fugitive from justice.

23 (7) Is employed as an employee of the licensed
24 pyrotechnic distributor or the licensed production
25 company, or insured as an additional named insured on the
26 pyrotechnic distributor's product liability and general

1 liability insurance, as required under paragraphs (2) and
2 (3) of subsection (c) of this Section, or insured as an
3 additional named insured on the production company's
4 general liability insurance, as required under paragraph
5 (1) of subsection (c-3) of this Section.

6 (8) Has been registered with the Office by the licensed
7 distributor or the licensed production company on a form
8 provided by the Office prior to the time when the assistant
9 begins work on the pyrotechnic display or pyrotechnic
10 service.

11 (Source: P.A. 96-708, eff. 8-25-09; 97-164, eff. 1-1-12.)

12 (225 ILCS 227/36 new)

13 Sec. 36. Applicant convictions.

14 (a) The Office shall not require the applicant to report
15 the following information and shall not consider the following
16 criminal history records in connection with an application for
17 a license under this Act:

18 (1) Juvenile adjudications of delinquent minors as
19 defined in Section 5-105 of the Juvenile Court Act of 1987,
20 subject to the restrictions set forth in Section 5-130 of
21 the Juvenile Court Act of 1987.

22 (2) Law enforcement records, court records, and
23 conviction records of an individual who was 17 years old at
24 the time of the offense and before January 1, 2014, unless
25 the nature of the offense required the individual to be

1 tried as an adult.

2 (3) Records of arrest not followed by a conviction.

3 (4) Convictions overturned by a higher court.

4 (5) Convictions or arrests that have been sealed or
5 expunged.

6 (b) When reviewing, for the purpose of licensure, a
7 conviction of any felony of within the previous five years of
8 the applicant, the Office shall consider any evidence of
9 rehabilitation and mitigating factors contained in the
10 applicant's record, including any of the following:

11 (1) the lack of direct relation of the offense for
12 which the applicant was previously convicted to the duties,
13 functions, and responsibilities of the position for which a
14 license is sought;

15 (2) the amount of time that has elapsed since the
16 offense occurred;

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

21 (4) the age of the person at the time of the criminal
22 offense;

23 (5) successful completion of sentence and, for
24 applicants serving a term of parole or probation, a
25 progress report provided by the applicant's probation or
26 parole officer that documents the applicant's compliance

1 with conditions of supervision;

2 (6) evidence of the applicant's present fitness and
3 professional character;

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

11 (8) any other mitigating factors that contribute to the
12 person's potential and current ability to perform the
13 duties and responsibilities of the specific licensed
14 practice or employment position.

15 (c) It is the affirmative obligation of the Office to
16 demonstrate that a prior conviction would impair the ability of
17 the applicant to engage in the licensed practice. If the Office
18 refuses to issue a license to an applicant, then the applicant
19 shall be notified of the denial in writing with the following
20 included in the notice of denial:

21 (1) a statement about the decision to refuse to issue a
22 license;

23 (2) a list of the convictions that formed the sole or
24 partial basis for the refusal to issue a license;

25 (3) a list of the mitigating evidence presented by the
26 applicant;

1 (4) reasons for refusing to issue a license specific to
2 the evidence presented in mitigation of conviction items
3 that formed the partial or sole basis for the Office's
4 decision; and

5 (5) a summary of the appeal process or the earliest the
6 applicant may reapply for a license, whichever is
7 applicable.

8 (d) No later than May 1 of each year, the Office must
9 prepare, publicly announce, and publish a report of summary
10 statistical information relating to new and renewal license
11 applications during the preceding calendar year. Each report
12 shall show at minimum:

13 (1) the number of applicants for new or renewal license
14 under this Act within the previous calendar year;

15 (2) the number of applicants for new or renewal license
16 under this Act within the previous calendar year who had
17 any criminal conviction;

18 (3) the number of applicants for new or renewal license
19 under this Act in the previous calendar year who were
20 granted a license;

21 (4) the number of applicants for new or renewal license
22 with a criminal conviction who were granted a license under
23 this Act within the previous calendar year;

24 (5) the number of applicants for new or renewal license
25 under this Act within the previous calendar year who were
26 denied a license;

1 (6) the number of applicants for new or renewal license
2 with a criminal conviction who were denied a license under
3 this Act in the previous calendar year in whole or in part
4 because of a prior conviction;

5 (7) the number of probationary licenses without
6 monitoring issued under this Act in the previous calendar
7 year to applicants with criminal conviction; and

8 (8) the number of probationary licenses with
9 monitoring issued under this Act in the previous calendar
10 year to applicants with criminal conviction.

11 Section 60. The Solid Waste Site Operator Certification Law
12 is amended by changing Section 1005 and by adding Section
13 1005-1 as follows:

14 (225 ILCS 230/1005) (from Ch. 111, par. 7855)

15 Sec. 1005. Agency authority. The Agency is authorized to
16 exercise the following functions, powers and duties with
17 respect to solid waste site operator certification:

18 (a) To conduct examinations to ascertain the
19 qualifications of applicants for certificates of competency as
20 solid waste site operators;

21 (b) To conduct courses of training on the practical aspects
22 of the design, operation and maintenance of sanitary landfills;

23 (c) To issue a certificate to any applicant who has
24 satisfactorily met all the requirements pertaining to a

1 certificate of competency as a solid waste site operator;

2 (d) To suspend, revoke or refuse to issue any certificate
3 for any one or any combination of the following causes:

4 (1) The practice of any fraud or deceit in obtaining or
5 attempting to obtain a certificate of competency;

6 (2) Negligence or misconduct in the operation of a
7 sanitary landfill;

8 (3) Repeated failure to comply with any of the
9 requirements applicable to the operation of a sanitary
10 landfill, except for Board requirements applicable to the
11 collection of litter;

12 (4) Repeated violations of federal, State or local
13 laws, regulations, standards, or ordinances regarding the
14 operation of refuse disposal facilities or sites;

15 (5) For the certified, conviction ~~Conviction~~ in this or
16 another State of any crime which is a felony under the laws
17 of this State or conviction of a felony in a federal court;
18 for applicants, provisions set forth in Section 1005-1
19 apply;

20 (6) Proof of gross carelessness or incompetence in
21 handling, storing, processing, transporting, or disposing
22 of any hazardous waste; or

23 (7) Being declared to be a person under a legal
24 disability by a court of competent jurisdiction and not
25 thereafter having been lawfully declared to be a person not
26 under legal disability or to have recovered.

1 (e) To adopt rules necessary to perform its functions,
2 powers, and duties with respect to solid waste site operator
3 certifications.

4 (Source: P.A. 86-1363.)

5 (225 ILCS 230/1005-1 new)

6 Sec. 1005-1. Applicant convictions.

7 (a) The Agency shall not require applicants to report the
8 following information and shall not consider the following
9 criminal history records in connection with an application for
10 certification under this Act:

11 (1) Juvenile adjudications of delinquent minors as
12 defined in Section 5-105 of the Juvenile Court Act of 1987,
13 subject to the restrictions set forth in Section 5-130 of
14 the Juvenile Court Act of 1987.

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

20 (3) Records of arrest not followed by a conviction.

21 (4) Convictions overturned by a higher court.

22 (5) Convictions or arrests that have been sealed or
23 expunged.

24 (b) When reviewing, for the purpose of determining whether
25 to grant a certificate, a conviction of any felony of an

1 applicant, the Agency shall consider any evidence of
2 rehabilitation and mitigating factors contained in the
3 applicant's record, including any of the following:

4 (1) the lack of direct relation of the offense for
5 which the applicant was previously convicted to the duties,
6 functions, and responsibilities of the position for which
7 certification is sought;

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

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

16 (4) the age of the person at the time of the criminal
17 offense;

18 (5) successful completion of sentence and, for
19 applicants serving a term of parole or probation, a
20 progress report provided by the applicant's probation or
21 parole officer that documents the applicant's compliance
22 with conditions of supervision;

23 (6) evidence of the applicant's present fitness and
24 professional character;

25 (7) evidence of rehabilitation or rehabilitative
26 effort during or after incarceration, or during or after a

1 term of supervision, including, but not limited to, a
2 certificate of good conduct under Section 5-5.5-25 of the
3 Unified Code of Corrections or a certificate of relief from
4 disabilities under Section 5-5.5-10 of the Unified Code of
5 Corrections; and

6 (8) any other mitigating factors that contribute to the
7 person's potential and current ability to perform the
8 duties and responsibilities of the position for which a
9 certificate or employment is sought.

10 (c) It is the affirmative obligation of the Agency to
11 demonstrate that a prior conviction would impair the ability of
12 the applicant to engage in the certified practice. If the
13 Agency refuses to issue a certificate to an applicant, then the
14 Agency shall notify the applicant of the denial in writing with
15 the following included in the notice of denial:

16 (1) a statement about the decision to refuse to grant
17 certification;

18 (2) a list of the conviction items that formed the sole
19 or partial basis for the refusal to issue a certificate;

20 (3) a list of the mitigating evidence presented by the
21 applicant;

22 (4) reasons for refusing to issue a certificate
23 specific to the evidence presented in mitigation of
24 conviction items that formed the partial or sole basis for
25 the Agency's decision; and

26 (5) a summary of the appeal process or the earliest the

1 applicant may reapply for a certificate, whichever is
2 applicable.

3 (d) No later than May 1 of each year, the Agency must
4 prepare, publicly announce, and publish a report of summary
5 statistical information relating to new and renewal
6 certification applications during the preceding calendar year.
7 Each report shall show at minimum:

8 (1) the number of applicants for new or renewal
9 certification under this Act within the previous calendar
10 year;

11 (2) the number of applicants for new or renewal
12 certification under this Act within the previous calendar
13 year who had any criminal conviction;

14 (3) the number of applicants for new or renewal
15 certification under this Act in the previous calendar year
16 who were granted a license;

17 (4) the number of applicants for new or renewal
18 certification with a criminal conviction who were granted
19 certification under this Act within the previous calendar
20 year;

21 (5) the number of applicants for new or renewal
22 certification under this Act within the previous calendar
23 year who were denied certification;

24 (6) the number of applicants for new or renewal with a
25 criminal conviction who were denied certification under
26 this Act in the previous calendar year in whole or in part

1 because of a prior conviction;

2 (7) the number of probationary certification without
3 monitoring issued under this Act in the previous calendar
4 year to applicants with criminal conviction; and

5 (8) the number of probationary certification with
6 monitoring issued under this Act in the previous calendar
7 year to applicants with criminal conviction.

8 Section 65. The Interior Design Title Act is amended by
9 changing Section 13 and by adding Section 13.5 as follows:

10 (225 ILCS 310/13) (from Ch. 111, par. 8213)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 13. Refusal, revocation or suspension of
13 registration. The Department may refuse to issue, renew, or
14 restore or may revoke, suspend, place on probation, reprimand
15 or take other disciplinary action as the Department may deem
16 proper, including fines not to exceed \$5,000 for each
17 violation, with regard to any registration for any one or
18 combination of the following causes:

19 (a) Fraud in procuring the certificate of
20 registration.

21 (b) Habitual intoxication or addiction to the use of
22 drugs.

23 (c) Making any misrepresentations or false promises,
24 directly or indirectly, to influence, persuade, or induce

1 patronage.

2 (d) Professional connection or association with, or
3 lending his or her name, to another for illegal use of the
4 title "registered interior designer", or professional
5 connection or association with any person, firm, or
6 corporation holding itself out in any manner contrary to
7 this Act.

8 (e) Obtaining or seeking to obtain checks, money, or
9 any other items of value by false or fraudulent
10 representations.

11 (f) Use of the title under a name other than his or her
12 own.

13 (g) Improper, unprofessional, or dishonorable conduct
14 of a character likely to deceive, defraud, or harm the
15 public.

16 (h) For licensees, conviction ~~Conviction~~ in this or
17 another state, or federal court, of any crime which is a
18 felony, if the Department determines, after investigation,
19 that such person has not been sufficiently rehabilitated to
20 warrant the public trust. For applicants, provisions set
21 forth in Section 13.5 apply.

22 (i) A violation of any provision of this Act or its
23 rules.

24 (j) Revocation by another state, the District of
25 Columbia, territory, or foreign nation of an interior
26 design or residential interior design registration if at

1 least one of the grounds for that revocation is the same as
2 or the equivalent of one of the grounds for revocation set
3 forth in this Act.

4 (k) Mental incompetence as declared by a court of
5 competent jurisdiction.

6 (l) Being named as a perpetrator in an indicated report
7 by the Department of Children and Family Services pursuant
8 to the Abused and Neglected Child Reporting Act, and upon
9 proof by clear and convincing evidence that the registrant
10 has caused a child to be an abused child or neglected child
11 as defined in the Abused and Neglected Child Reporting Act.

12 The Department shall deny a registration or renewal
13 authorized by this Act to any person who has defaulted on an
14 educational loan guaranteed by the Illinois Student Assistance
15 Commission; however, the Department may issue a certificate of
16 registration or renewal if such person has established a
17 satisfactory repayment record as determined by the Illinois
18 Student Assistance Commission.

19 The Department may refuse to issue or may suspend the
20 registration of any person who fails to file a return, or to
21 pay the tax, penalty, or interest showing in a filed return, or
22 to pay any final assessment of tax, penalty, or interest, as
23 required by any tax Act administered by the Illinois Department
24 of Revenue, until such time as the requirements of any such tax
25 Act are satisfied.

26 The entry of a decree by any circuit court establishing

1 that any person holding a certificate of registration under
2 this Act is a person subject to involuntary admission under the
3 Mental Health and Developmental Disabilities Code shall
4 operate as a suspension of that registration. That person may
5 resume using the title "registered interior designer" only upon
6 a finding by the Board that he or she has been determined to be
7 no longer subject to involuntary admission by the court and
8 upon the Board's recommendation to the Director that he or she
9 be permitted to resume using the title "registered interior
10 designer".

11 (Source: P.A. 95-1023, eff. 6-1-09; 96-1334, eff. 7-27-10.)

12 (225 ILCS 310/13.5 new)

13 Sec. 13.5. Applicant convictions.

14 (a) The Department shall not require the applicant to
15 report the following information and shall not consider the
16 following criminal history records in connection with an
17 application for licensure:

18 (1) Juvenile adjudications of delinquent minors as
19 defined in Section 5-105 of the Juvenile Court Act of 1987,
20 subject to the restrictions set forth in Section 5-130 of
21 the Juvenile Court Act of 1987.

22 (2) Law enforcement records, court records, and
23 conviction records of an individual who was 17 years old at
24 the time of the offense and before January 1, 2014, unless
25 the nature of the offense required the individual to be

1 tried as an adult.

2 (3) Records of arrest not followed by a conviction
3 unless related to the practice of the profession. However,
4 applicants shall not be asked to report any arrests, and,
5 an arrest not followed by a conviction shall not be the
6 basis of a denial and may be used only to assess an
7 applicant's rehabilitation.

8 (4) Convictions overturned by a higher court.

9 (5) Convictions or arrests that have been sealed or
10 expunged.

11 (b) When reviewing, for the purpose determining whether to
12 grant a license, a conviction of any felony by plea of guilty
13 or nolo contendere, finding of guilt, jury verdict, or entry of
14 judgment or by sentencing of an applicant, the Department shall
15 consider any evidence of rehabilitation and mitigating factors
16 contained in the applicant's record, including any of the
17 following:

18 (1) the lack of direct relation of the offense for
19 which the applicant was previously convicted to the duties,
20 functions, and responsibilities of the position for which a
21 license is sought;

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

26 (3) if the applicant was previously licensed or

1 employed in this State or other state or jurisdictions,
2 then the lack of prior misconduct arising from or related
3 to the licensed position or position of employment;

4 (4) the age of the person at the time of the criminal
5 offense;

6 (5) successful completion of sentence and, for
7 applicants serving a term of parole or probation, a
8 progress report provided by the applicant's probation or
9 parole officer that documents the applicant's compliance
10 with conditions of supervision;

11 (6) evidence of the applicant's present fitness and
12 professional character;

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

20 (8) any other mitigating factors that contribute to the
21 person's potential and current ability to perform the
22 duties and responsibilities of the position for which a
23 license or employment is sought.

24 (c) It is the affirmative obligation of the Department to
25 demonstrate that a prior conviction would impair the ability of
26 the applicant to engage in the licensed practice. If the

1 Department refuses to issue a license to an applicant, then the
2 Department shall notify the applicant of the denial in writing
3 with the following included in the notice of denial:

4 (1) a statement about the decision to refuse to issue a
5 license;

6 (2) a list of the conviction items that formed the sole
7 or partial basis for the refusal to issue a license;

8 (3) a list of the mitigating evidence presented by the
9 applicant;

10 (4) reasons for refusing to issue a license specific to
11 the evidence presented in mitigation of conviction items
12 that formed the partial or sole basis for the Department's
13 decision; and

14 (5) a summary of the appeal process or the earliest the
15 applicant may reapply for a license, whichever is
16 applicable.

17 (d) No later than May 1 of each year, the Department must
18 prepare, publicly announce, and publish a report of summary
19 statistical information relating to new and renewal license
20 applications during the preceding calendar year. Each report
21 shall show at minimum:

22 (1) the number of applicants for a new or renewal
23 license under this Act within the previous calendar year;

24 (2) the number of applicants for a new or renewal
25 license under this Act within the previous calendar year
26 who had any criminal conviction;

1 (3) the number of applicants for a new or renewal
2 license under this Act in the previous calendar year who
3 were granted a license;

4 (4) the number of applicants for a new or renewal
5 license with a criminal conviction who were granted a
6 license under this Act within the previous calendar year;

7 (5) the number of applicants for a new or renewal
8 license under this Act within the previous calendar year
9 who were denied a license;

10 (6) the number of applicants for a new or renewal
11 license with a criminal conviction who were denied a
12 license under this Act in the previous calendar year in
13 part or in full because of a prior conviction;

14 (7) the number of probationary licenses without
15 monitoring issued under this Act in the previous calendar
16 year to applicants with criminal conviction; and

17 (8) the number of probationary licenses with
18 monitoring issued under this Act in the previous calendar
19 year to applicants with criminal conviction.

20 Section 70. The Illinois Professional Land Surveyor Act of
21 1989 is amended by changing Section 27 and by adding Section
22 12.5 as follows:

23 (225 ILCS 330/12.5 new)

24 Sec. 12.5. Applicant Convictions.

1 (a) The Department shall not require the applicant to
2 report the following information and shall not consider the
3 following criminal history records in connection with an
4 application for a license under this Act:

5 (1) Juvenile adjudications of delinquent minors as
6 defined in Section 5-105 of the Juvenile Court Act of 1987,
7 subject to the restrictions set forth in Section 5-130 of
8 the Juvenile Court Act of 1987.

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

14 (3) Records of arrest not followed by a conviction
15 unless related to the practice of the profession. However,
16 applicants shall not be asked to report any arrests, and,
17 an arrest not followed by a conviction shall not be the
18 basis of a denial and may be used only to assess an
19 applicant's rehabilitation.

20 (4) Convictions overturned by a higher court.

21 (5) Convictions or arrests that have been sealed or
22 expunged.

23 (b) No applicant for license under this Act shall be denied
24 a license based on a finding of a lack of "good moral
25 character" when a finding is based on the fact that an
26 applicant was previously convicted of a criminal offense or

1 offenses. When reviewing, for the purpose of determining moral
2 character or whether to grant a license, a conviction of any
3 felony or a misdemeanor directly related to the practice of the
4 profession, the Department shall consider any evidence of
5 rehabilitation and mitigating factors contained in the
6 applicant's record, including any of the following:

7 (1) the lack of direct relation of the offense for
8 which the applicant was previously convicted to the duties,
9 functions, and responsibilities of the position for which a
10 license is sought;

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

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

19 (4) the age of the person at the time of the criminal
20 offense;

21 (5) successful completion of sentence and, for
22 applicants serving a term of parole or probation, a
23 progress report provided by the applicant's probation or
24 parole officer that documents the applicant's compliance
25 with conditions of supervision;

26 (6) evidence of the applicant's present fitness and

1 professional character;

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

9 (8) any other mitigating factors that contribute to the
10 person's potential and current ability to perform the
11 duties and responsibilities of the position for which a
12 license or employment is sought.

13 (c) It is the affirmative obligation of the Department to
14 demonstrate that a prior conviction would impair the ability of
15 the applicant to engage in the licensed practice. If the
16 Department refuses to issue a license to an applicant, then the
17 Department shall notify the applicant of the denial in writing
18 with the following included in the notice of denial:

19 (1) a statement about the decision to refuse to issue a
20 license;

21 (2) a list of the conviction items that formed the sole
22 or partial basis for the refusal to issue a license;

23 (3) a list of the mitigating evidence presented by the
24 applicant;

25 (4) reasons for refusing to issue a license specific to
26 the evidence presented in mitigation of conviction items

1 that formed the partial or sole basis for the Department's
2 decision; and

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

6 (d) No later than May 1 of each year, the Department must
7 prepare, publicly announce, and publish a report of summary
8 statistical information relating to new and renewal license
9 applications during the preceding calendar year. Each report
10 shall show at minimum:

11 (1) the number of applicants for a new or renewal
12 license under this Act within the previous calendar year;

13 (2) the number of applicants for a new or renewal
14 license under this Act within the previous calendar year
15 who had any criminal conviction;

16 (3) the number of applicants for a new or renewal
17 license under this Act in the previous calendar year who
18 were granted a license;

19 (4) the number of applicants for a new or renewal
20 license with a criminal conviction who were granted a
21 license under this Act within the previous calendar year;

22 (5) the number of applicants for a new or renewal
23 license under this Act within the previous calendar year
24 who were denied a license;

25 (6) the number of applicants for a new or renewal
26 license with a criminal conviction who were denied a

1 license under this Act in the previous calendar year in
2 part or in whole because of a prior conviction;

3 (7) the number of probationary licenses without
4 monitoring issued under this Act in the previous calendar
5 year to applicants with criminal conviction; and

6 (8) the number of probationary licenses with
7 monitoring issued under this Act in the previous calendar
8 year to applicants with criminal conviction.

9 (225 ILCS 330/27) (from Ch. 111, par. 3277)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 27. Grounds for disciplinary action.

12 (a) The Department may refuse to issue or renew a license,
13 or may place on probation or administrative supervision,
14 suspend, or revoke any license, or may reprimand or take any
15 disciplinary or non-disciplinary action as the Department may
16 deem proper, including the imposition of fines not to exceed
17 \$10,000 per violation, upon any person, corporation,
18 partnership, or professional land surveying firm licensed or
19 registered under this Act for any of the following reasons:

20 (1) material misstatement in furnishing information to
21 the Department;

22 (2) violation, including, but not limited to, neglect
23 or intentional disregard, of this Act, or its rules;

24 (3) for licensees, conviction of, or entry of a plea of
25 guilty or nolo contendere to, any crime that is a felony

1 under the laws of the United States or any state or
2 territory thereof or that is a misdemeanor of which an
3 essential element is dishonesty, or any crime that is
4 directly related to the practice of the profession; for
5 applicants, provisions set forth in Section 12.5 apply;

6 (4) making any misrepresentation for the purpose of
7 obtaining a license, or in applying for restoration or
8 renewal, or the practice of any fraud or deceit in taking
9 any examination to qualify for licensure under this Act;

10 (5) purposefully making false statements or signing
11 false statements, certificates, or affidavits to induce
12 payment;

13 (6) proof of carelessness, incompetence, negligence,
14 or misconduct in practicing land surveying;

15 (7) aiding or assisting another person in violating any
16 provision of this Act or its rules;

17 (8) failing to provide information in response to a
18 written request made by the Department within 30 days after
19 receipt of such written request;

20 (9) engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public;

23 (10) inability to practice with reasonable judgment,
24 skill, or safety as a result of habitual or excessive use
25 of, or addiction to, alcohol, narcotics, stimulants or any
26 other chemical agent or drug;

1 (11) discipline by the United States government,
2 another state, District of Columbia, territory, foreign
3 nation or government agency if at least one of the grounds
4 for the discipline is the same or substantially equivalent
5 to those set forth in this Act;

6 (12) directly or indirectly giving to or receiving from
7 any person, firm, corporation, partnership, or association
8 any fee, commission, rebate, or other form of compensation
9 for any professional services not actually or personally
10 rendered;

11 (12.5) issuing a map or plat of survey where the fee
12 for professional services is contingent on a real estate
13 transaction closing;

14 (13) a finding by the Department that an applicant or
15 licensee has failed to pay a fine imposed by the Department
16 or a licensee whose license has been placed on probationary
17 status has violated the terms of probation;

18 (14) practicing on an expired, inactive, suspended, or
19 revoked license;

20 (15) signing, affixing the Professional Land
21 Surveyor's seal or permitting the Professional Land
22 Surveyor's seal to be affixed to any map or plat of survey
23 not prepared by the Professional Land Surveyor or under the
24 Professional Land Surveyor's direct supervision and
25 control;

26 (16) inability to practice the profession with

1 reasonable judgment, skill, or safety as a result of
2 physical illness, including, but not limited to,
3 deterioration through the aging process or loss of motor
4 skill or a mental illness or disability;

5 (17) (blank); or

6 (18) failure to adequately supervise or control land
7 surveying operations being performed by subordinates.

8 (a-5) In enforcing this Section, the Department or Board,
9 upon a showing of a possible violation, may compel a person
10 licensed to practice under this Act, or who has applied for
11 licensure or certification pursuant to this Act, to submit to a
12 mental or physical examination, or both, as required by and at
13 the expense of the Department. The Department or Board may
14 order the examining physician to present testimony concerning
15 the mental or physical examination of the licensee or
16 applicant. No information shall be excluded by reason of any
17 common law or statutory privilege relating to communications
18 between the licensee or applicant and the examining physician.
19 The examining physicians shall be specifically designated by
20 the Board or Department. The individual to be examined may
21 have, at his or her own expense, another physician of his or
22 her choice present during all aspects of the examination.
23 Failure of an individual to submit to a mental or physical
24 examination when directed shall be grounds for the immediate
25 suspension of his or her license until the individual submits
26 to the examination if the Department finds that the refusal to

1 submit to the examination was without reasonable cause as
2 defined by rule.

3 If the Secretary immediately suspends the license of a
4 licensee for his or her failure to submit to a mental or
5 physical examination when directed, a hearing must be convened
6 by the Department within 15 days after the suspension and
7 completed without appreciable delay.

8 If the Secretary otherwise suspends a person's license
9 pursuant to the results of a compelled mental or physical
10 examination, a hearing on that person's license must be
11 convened by the Department within 15 days after the suspension
12 and completed without appreciable delay. The Department and
13 Board shall have the authority to review the subject
14 individual's record of treatment and counseling regarding
15 impairment to the extent permitted by applicable federal
16 statutes and regulations safeguarding the confidentiality of
17 medical records.

18 Any licensee suspended under this subsection (a-5) shall be
19 afforded an opportunity to demonstrate to the Department or
20 Board that he or she can resume practice in compliance with the
21 acceptable and prevailing standards under the provisions of his
22 or her license.

23 (b) The determination by a circuit court that a licensee is
24 subject to involuntary admission or judicial admission as
25 provided in the Mental Health and Developmental Disabilities
26 Code, as now or hereafter amended, operates as an automatic

1 license suspension. Such suspension will end only upon a
2 finding by a court that the patient is no longer subject to
3 involuntary admission or judicial admission and the issuance of
4 an order so finding and discharging the patient and upon the
5 recommendation of the Board to the Director that the licensee
6 be allowed to resume his or her practice.

7 (c) The Department shall deny a license or renewal
8 authorized by this Act to a person who has defaulted on an
9 educational loan or scholarship provided or guaranteed by the
10 Illinois Student Assistance Commission or any governmental
11 agency of this State in accordance with subdivision (a) (5) of
12 Section 2105-15 of the Department of Professional Regulation
13 Law of the Civil Administrative Code of Illinois (20 ILCS
14 2105/2105-15).

15 (d) In cases where the Department of Healthcare and Family
16 Services (formerly the Department of Public Aid) has previously
17 determined that a licensee or a potential licensee is more than
18 30 days delinquent in the payment of child support and has
19 subsequently certified the delinquency to the Department, the
20 Department shall refuse to issue or renew or shall revoke or
21 suspend that person's license or shall take other disciplinary
22 action against that person based solely upon the certification
23 of delinquency made by the Department of Healthcare and Family
24 Services in accordance with subdivision (a) (5) of Section
25 2105-15 of the Department of Professional Regulation Law of the
26 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15).

1 (e) The Department shall refuse to issue or renew or shall
2 revoke or suspend a person's license or shall take other
3 disciplinary action against that person for his or her failure
4 to file a return, to pay the tax, penalty, or interest shown in
5 a filed return, or to pay any final assessment of tax, penalty,
6 or interest as required by any tax Act administered by the
7 Department of Revenue, until such time as the requirements of
8 the tax Act are satisfied in accordance with subsection (g) of
9 Section 2105-15 of the Department of Professional Regulation
10 Law of the Civil Administrative Code of Illinois (20 ILCS
11 2105/2105-15).

12 (Source: P.A. 98-756, eff. 7-16-14.)

13 Section 75. The Water Well and Pump Installation
14 Contractor's License Act is amended by changing Section 15 and
15 by adding Section 15.1 as follows:

16 (225 ILCS 345/15) (from Ch. 111, par. 7116)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 15. The Department may refuse to issue or renew, may
19 suspend or may revoke a license on any one or more of the
20 following grounds:

21 (1) Material misstatement in the application for license;

22 (2) Failure to have or retain the qualifications required
23 by Section 9 of this Act;

24 (3) Wilful disregard or violation of this Act or of any

1 rule or regulation promulgated by the Department pursuant
2 thereto; or disregard or violation of any law of the state of
3 Illinois or of any rule or regulation promulgated pursuant
4 thereto relating to water well drilling or the installation of
5 water pumps and equipment or any rule or regulation adopted
6 pursuant thereto;

7 (4) Wilfully aiding or abetting another in the violation of
8 this Act or any rule or regulation promulgated by the
9 Department pursuant thereto;

10 (5) Incompetence in the performance of the work of a water
11 well contractor or of a water well pump installation
12 contractor;

13 (6) Allowing the use of a license by someone other than the
14 person in whose name it was issued;

15 (7) For licensees, conviction ~~Conviction~~ of any crime an
16 essential element of which is misstatement, fraud or
17 dishonesty, conviction in this or another State of any crime
18 which is a felony under the laws of this State or the
19 conviction in a federal court of any felony; for applicants,
20 provisions set forth in Section 15.1 apply;

21 (8) Making substantial misrepresentations or false
22 promises of a character likely to influence, persuade or induce
23 in connection with the occupation of a water well contractor or
24 a water well pump installation contractor.

25 (Source: P.A. 77-1626.)

1 (225 ILCS 345/15.1 new)

2 Sec. 15.1. Applicant convictions.

3 (a) The Department shall not require an applicant to
4 provide the following information and shall not consider the
5 following criminal history records in connection with an
6 application for licensure:

7 (1) Juvenile adjudications of delinquent minors as
8 defined in 705 ILCS 405/5-120 subject to the exclusions set
9 forth in 705 ILCS 405/5-130.

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

15 (3) Records of arrest of an offense unrelated to the
16 practice of the profession and not followed by a
17 conviction. However, applicants shall not be asked to
18 report any arrests, and, any arrest not followed by a
19 conviction shall not be the basis of a denial and may be
20 used only to assess the applicant's rehabilitation.

21 (4) Convictions overturned by a higher court.

22 (5) Convictions or arrests that have been sealed or
23 expunged.

24 (b) When reviewing, for the purpose of determining whether
25 to grant a license, a conviction of any felony of an applicant,
26 the Department shall consider evidence of rehabilitation and

1 mitigating factors contained in the applicant's record,
2 including the following:

3 (1) the lack of direct relation of the offense for
4 which the applicant was previously convicted to the duties,
5 functions, and responsibilities of the position for which a
6 license is sought;

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

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

15 (4) the age of the person at the time of the criminal
16 offense;

17 (5) successful completion of sentence and, for
18 applicants serving a term of parole or probation, a
19 progress report provided by the applicant's probation or
20 parole officer that documents the applicant's compliance
21 with conditions of supervision;

22 (6) evidence of the applicant's present fitness and
23 professional character;

24 (7) evidence of rehabilitation or rehabilitative
25 effort during or after incarceration, or during or after a
26 term of supervision, including, but not limited to, a

1 certificate of good conduct under Section 5-5.5-25 of the
2 Unified Code of Corrections or a certificate of relief from
3 disabilities under Section 5-5.5-10 of the Unified Code of
4 Corrections; and

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

8 (c) It is the affirmative obligation of the Department to
9 demonstrate that a prior conviction would impair the ability of
10 the applicant to engage in the licensed practice. If the
11 Department refuses to issue a license to an applicant, then the
12 Department shall notify the applicant of the denial in writing
13 with the following included in the notice of denial:

14 (1) a statement about the decision to refuse to issue a
15 license;

16 (2) a list of the convictions that formed the sole or
17 partial basis for the refusal to issue a license;

18 (3) a list of the mitigating evidence presented by the
19 applicant;

20 (4) reasons for refusing to issue a license specific to
21 the evidence presented in mitigation of conviction items
22 that formed the partial or sole basis for the Department's
23 decision; and

24 (5) a summary of the appeal process or the earliest the
25 applicant may reapply for a license, whichever is
26 applicable.

1 (d) No later than May 1 of each year, the Department must
2 prepare, publicly announce, and publish a report of summary
3 statistical information relating to new and renewal license
4 applications during the preceding calendar year. Each report
5 shall show at minimum:

6 (1) the number of applicants for a new or renewal
7 license under this Act within the previous calendar year;

8 (2) the number of applicants for a new or renewal
9 license under this Act within the previous calendar year
10 who had any criminal conviction;

11 (3) the number of applicants for a new or renewal
12 license under this Act in the previous calendar year who
13 were granted a license;

14 (4) the number of applicants for a new or renewal
15 license with a criminal conviction who were granted a
16 license under this Act within the previous calendar year;

17 (5) the number of applicants for a new or renewal
18 license under this Act within the previous calendar year
19 who were denied a license;

20 (6) the number of applicants for a new or renewal
21 license with a criminal conviction who were denied a
22 license under this Act in the previous calendar year in
23 part or in full because of a prior conviction;

24 (7) the number of probationary licenses without
25 monitoring issued under this Act in the previous calendar
26 year to applicants with criminal conviction;and the number

1 of probationary licenses with monitoring issued under this
2 Act in the previous calendar year to applicants with
3 criminal conviction.

4 Section 80. The Illinois Athlete Agents Act is amended by
5 changing Section 75 and by adding Section 74 as follows:

6 (225 ILCS 401/74 new)

7 Sec. 74. Applicant convictions.

8 (a) The Department shall not require the applicant to
9 report the following information and shall not consider the
10 following criminal history records in connection with an
11 application for licensure:

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

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

21 (3) Records of arrest not followed by a conviction
22 unless related to the practice of the profession. However,
23 applicants shall not be asked to report any arrests, and,
24 an arrest not followed by a conviction shall not be the

1 basis of a denial and may be used only to assess an
2 applicant's rehabilitation.

3 (4) Convictions overturned by a higher court.

4 (5) Convictions or arrests that have been sealed or
5 expunged.

6 (b) When reviewing, for the purpose of licensure, a
7 conviction of any misdemeanor directly related to the practice
8 of the profession or of any felony of the applicant, the
9 Department shall consider any evidence of rehabilitation and
10 mitigating factors contained in the applicant's record,
11 including any of the following:

12 (1) the lack of direct relation of the offense for
13 which the applicant was previously convicted to the duties,
14 functions, and responsibilities of the position for which a
15 license is sought;

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

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

24 (4) the age of the person at the time of the criminal
25 offense;

26 (5) successful completion of sentence and, for

1 applicants serving a term of parole or probation, a
2 progress report provided by the applicant's probation or
3 parole officer that documents the applicant's compliance
4 with conditions of supervision;

5 (6) evidence of the applicant's present fitness and
6 professional 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 a 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 the
15 person's potential and current ability to perform the
16 duties and responsibilities of the position for which a
17 license or employment is sought.

18 (c) It is the affirmative obligation of the Department to
19 demonstrate that a prior conviction would impair the ability of
20 the applicant to engage in the licensed practice. If the
21 Department refuses to issue a license to an applicant, then the
22 Department shall notify the applicant of the denial in writing
23 with the following included in the notice of denial:

24 (1) a statement about the decision to refuse to issue a
25 license;

26 (2) a list of the conviction items that formed the sole

1 or partial basis for the refusal to issue a license;

2 (3) a list of the mitigating evidence presented by the
3 applicant;

4 (4) reasons for refusing to issue a license specific to
5 the evidence presented in mitigation of conviction items
6 that formed the partial or sole basis for the Department's
7 decision; and

8 (5) a summary of the appeal process or the earliest the
9 applicant may reapply for a license, whichever is
10 applicable.

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

16 (1) the number of applicants for a new or renewal
17 license under this Act within the previous calendar year;

18 (2) the number of applicants for a new or renewal
19 license under this Act within the previous calendar year
20 who had any criminal conviction;

21 (3) the number of applicants for a new or renewal
22 license under this Act in the previous calendar year who
23 were granted a license;

24 (4) the number of applicants for a new or renewal
25 license with a criminal conviction who were granted a
26 license under this Act within the previous calendar year;

1 (5) the number of applicants for a new or renewal
2 license under this Act within the previous calendar year
3 who were denied a license;

4 (6) the number of applicants for a new or renewal
5 license with a criminal conviction who were denied a
6 license under this Act in the previous calendar year in
7 part or in whole because of a prior conviction;

8 (7) the number of probationary licenses without
9 monitoring issued under this Act in the previous calendar
10 year to applicants with criminal conviction; and

11 (8) the number of probationary licenses with
12 monitoring issued under this Act in the previous calendar
13 year to applicants with criminal conviction.

14 (225 ILCS 401/75)

15 Sec. 75. Grounds for disciplinary action.

16 (a) The Department may refuse to issue or renew, or may
17 revoke, suspend, place on probation, reprimand, or take other
18 disciplinary or non-disciplinary action as the Department may
19 deem appropriate, including imposing fines not to exceed
20 \$10,000 for each violation, with regard to any license for any
21 one or combination of the following:

22 (1) Making a material misstatement in furnishing
23 information to the Department.

24 (2) Violating this Act, or the rules adopted pursuant
25 to this Act.

1 (3) For licensees, conviction ~~Conviction~~ of or entry of
2 a plea of guilty or nolo contendere, finding of guilt, jury
3 verdict, or entry of judgment or by sentencing of any
4 crime, including but not limited to convictions, preceding
5 sentences of supervision, conditional discharge or first
6 offender probation, to any crime that is a felony under the
7 laws of the United States or any state or territory thereof
8 or that is a misdemeanor of which as essential element is
9 dishonesty, or any crime that is directly related to the
10 practice of the profession. For applicants, provisions set
11 forth in Section 74 of this Act apply.

12 (4) Making any misrepresentation for the purpose of
13 obtaining licensure or violating any provision of this Act
14 or the rules adopted under this Act pertaining to
15 advertising.

16 (5) Professional incompetence.

17 (6) Gross malpractice.

18 (7) Aiding or assisting another person in violating any
19 provision of this Act or rules adopted under this Act.

20 (8) Failing, within 60 days, to provide information in
21 response to a written request made by the Department.

22 (9) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public.

25 (10) Inability to practice with reasonable judgment,
26 skill or safety as a result of habitual or excessive use or

1 addiction to alcohol, narcotics, stimulants or any other
2 chemical agent or drug.

3 (11) Denial of any application as an athlete agent or
4 discipline by another state, District of Columbia,
5 territory, or foreign nation, if at least one of the
6 grounds for the discipline is the same or substantially
7 equivalent to those set forth in this Section.

8 (12) A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation.

11 (13) Willfully making or filing false records or
12 reports in his or her practice, including but not limited
13 to, false records filed with State agencies or departments.

14 (14) Inability to practice the profession with
15 reasonable judgment, skill, or safety as a result of a
16 physical illness, including but not limited to
17 deterioration through the aging process or loss of motor
18 skill, or a mental illness or disability.

19 (15) Solicitation of professional services other than
20 permitted advertising.

21 (16) Conviction of or cash compromise of a charge or
22 violation of the Illinois Controlled Substances Act
23 regulating narcotics.

24 (17) Gross, willful, or continued overcharging for
25 professional services, including filing false statements
26 for collection of fees for which services are not rendered.

1 (18) Practicing under a false or, except as provided by
2 law, an assumed name.

3 (19) Fraud or misrepresentation in applying for, or
4 procuring, a license under this Act or in connection with
5 applying for renewal of a license under this Act.

6 (20) Any instance in which the conduct of the applicant
7 or any person named pursuant to item (5) of subsection (a)
8 of Section 45 resulted in the imposition of a sanction,
9 suspension, or declaration of ineligibility to participate
10 in an interscholastic or intercollegiate athletic event on
11 a student-athlete or educational institution.

12 (21) Any instance in which the conduct of any person
13 named pursuant to item (5) of subsection (a) of Section 45
14 resulted in the denial of an application as an athlete
15 agent or discipline of a license as an athlete agent by
16 another state, District of Columbia, territory, or foreign
17 nation, if at least one of the grounds for the discipline
18 is the same or substantially equivalent to those set forth
19 in this Section.

20 (22) Committing any of the activities set forth in
21 subsection (b) of Section 175 of this Act.

22 (b) A person holding a license under this Act or has
23 applied for licensure under this Act who, because of a physical
24 or mental illness or disability, including but not limited to
25 deterioration through the aging process or loss of motor skill,
26 is unable to practice the profession with reasonable judgment,

1 skill, or safety may be required by the Department to submit to
2 care, counseling or treatment by physicians approved or
3 designated by the Department as a condition, term or
4 restriction for continued, reinstated or renewed licensure to
5 practice. Submission to care, counseling or treatment as
6 required by the Department shall not be considered discipline
7 of the license. If the licensee refuses to enter into a care,
8 counseling, or treatment agreement or fails to abide by the
9 terms of the agreement, then the Department may file a
10 complaint to suspend, revoke, or otherwise discipline the
11 license of the individual. The Secretary may order the license
12 suspended immediately, pending a hearing by the Department.
13 Fines shall not be assessed in disciplinary actions involving
14 physical or mental illness or impairment.

15 (c) The determination by a circuit court that a licensee is
16 subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code, as amended, operates as an automatic suspension. The
19 suspension will end only upon a finding by a court that the
20 licensee is no longer subject to the involuntary admission or
21 judicial admission and issues an order so finding and
22 discharging the licensee; and upon review of the order by the
23 Secretary or his or her designee, the licensee may be allowed
24 to resume his or her practice.

25 (d) The Department may refuse to issue or may suspend
26 without hearing as provided for in the Code of Civil Procedure

1 the license of any person who fails to file a return, or to pay
2 the tax, penalty or interest shown in a filed return, or to pay
3 any final assessment of the tax, penalty, or interest as
4 required by any tax Act administered by the Illinois Department
5 of Revenue, until such time as the requirements of any such tax
6 Act are satisfied.

7 (e) In enforcing this Section, the Department upon a
8 showing of a possible violation may compel an individual
9 licensed to practice under this Act, or who has applied for
10 licensure under this Act, to submit to a mental or physical
11 examination, or both, as required by and at the expense of the
12 Department. The Department may order the examining physician to
13 present testimony concerning the mental or physical
14 examination of the licensee or applicant. No information shall
15 be excluded by reason of any common law or statutory privilege
16 relating to communications between the licensee or applicant
17 and the examining physician. The examining physicians shall be
18 specifically designated by the Department. The individual to be
19 examined may have, at his or her own expense, another physician
20 of his or her choice present during all aspects of this
21 examination. Failure of an individual to submit to a mental or
22 physical examination, when directed, shall be grounds for the
23 immediate suspension of his or her license until the individual
24 submits to the examination if the Department finds that the
25 refusal to submit to the examination was without reasonable
26 cause as defined by rule.

1 In instances in which the Secretary immediately suspends a
2 person's license for his or her failure to submit to a mental
3 or physical examination, when directed, a hearing on that
4 person's license must be convened by the Department within 15
5 days after the suspension and completed without appreciable
6 delay.

7 In instances in which the Secretary otherwise suspends a
8 person's license pursuant to the results of a compelled mental
9 or physical examination a hearing on that person's license must
10 be convened by the Department within 15 days after the
11 suspension and completed without appreciable delay. The
12 Department shall have the authority to review the subject
13 individual's record of treatment and counseling regarding the
14 impairment to the extent permitted by applicable federal
15 statutes and regulations safeguarding the confidentiality of
16 medical records.

17 An individual licensed under this Act and affected under
18 this Section shall be afforded an opportunity to demonstrate to
19 the Department that he or she can resume practice in compliance
20 with acceptable and prevailing standards under the provisions
21 of his or her license.

22 (Source: P.A. 96-1030, eff. 1-1-11.)

23 Section 85. The Auction License Act is amended by changing
24 Section 20-15 and by adding Section 20-11 as follows:

1 (225 ILCS 407/20-11 new)

2 Sec. 20-11. Applicant convictions.

3 (a) The Department shall not require the applicant to
4 report information about the following, and shall not consider
5 the following criminal history records in connection with an
6 application for a license under this Act:

7 (1) Juvenile adjudications of delinquent minors as
8 defined in Section 5-105 of the Juvenile Court Act of 1987,
9 subject to the restrictions set forth in Section 5-130 of
10 the Juvenile Court Act of 1987.

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

16 (3) Records of arrest not followed by a conviction
17 unless related to the practice of the profession. However,
18 applicants shall not be asked to report any arrests, and,
19 an arrest not followed by a conviction shall not be the
20 basis of a denial and may be used only to assess an
21 applicant's rehabilitation.

22 (4) Convictions overturned by a higher court.

23 (5) Convictions or arrests that have been sealed or
24 expunged.

25 (b) When reviewing, for the purpose of licensure, an
26 applicant's conviction of any felony or a misdemeanor that is

1 directly related to the practice of the profession, the
2 Department shall consider any evidence of rehabilitation and
3 mitigating factors contained in the applicant's record,
4 including any of the following:

5 (1) the lack of direct relation of the offense for
6 which the applicant was previously convicted to the duties,
7 functions, and responsibilities of the position for which a
8 license is sought;

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

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

17 (4) the age of the person at the time of the criminal
18 offense;

19 (5) successful completion of sentence and, for
20 applicants serving a term of parole or probation, a
21 progress report provided by the applicant's probation or
22 parole officer that documents the applicant's compliance
23 with conditions of supervision;

24 (6) evidence of the applicant's present fitness and
25 professional character;

26 (7) evidence of rehabilitation or rehabilitative

1 effort during or after incarceration, or during or after a
2 term of supervision, including, but not limited to, a
3 certificate of good conduct under Section 5-5.5-25 of the
4 Unified Code of Corrections or a certificate of relief from
5 disabilities under Section 5-5.5-10 of the Unified Code of
6 Corrections; and

7 (8) any other mitigating factors that contribute to the
8 person's potential and current ability to perform the
9 duties and responsibilities of the position for which a
10 license or employment is sought.

11 (c) It is the affirmative obligation of the Department to
12 demonstrate that a prior conviction would impair the ability of
13 the applicant to engage in the licensed practice. If the
14 Department refuses to issue a license to an applicant, then the
15 Department shall notify the applicant of the denial in writing
16 with the following included in the notice of denial:

17 (1) a statement about the decision to refuse to issue a
18 license;

19 (2) a list of the conviction items that formed the sole
20 or partial basis for the refusal to issue a license;

21 (3) a list of the mitigating evidence presented by the
22 applicant;

23 (4) reasons for refusing to issue a license specific to
24 the evidence presented in mitigation of conviction items
25 that formed the partial or sole basis for the Department's
26 decision; and

1 (5) a summary of the appeal process or the earliest the
2 applicant may reapply for a license, whichever is
3 applicable.

4 (d) No later than May 1 of each year, the Department must
5 prepare, publicly announce, and publish a report of summary
6 statistical information relating to new and renewal license
7 applications during the preceding calendar year. Each report
8 shall show at minimum:

9 (1) the number of applicants for a new or renewal
10 license under this Act within the previous calendar year;

11 (2) the number of applicants for a new or renewal
12 license under this Act within the previous calendar year
13 who had any criminal conviction;

14 (3) the number of applicants for new or renewal license
15 under this Act in the previous calendar year who were
16 granted a license;

17 (4) the number of applicants with a criminal conviction
18 who were granted a new or renewal license under this Act
19 within the previous calendar year;

20 (5) the number of applicants for a new or renewal
21 license under this Act within the previous calendar year
22 who were denied a license;

23 (6) the number of applicants for new or renewal license
24 with a criminal conviction who were denied a license under
25 this Act in the previous calendar year in part or in whole
26 because of a prior conviction;

1 (7) the number of probationary licenses without
2 monitoring issued under this Act in the previous calendar
3 year to applicants with criminal convictions; and
4 (8) the number of probationary licenses with
5 monitoring issued under this Act in the previous calendar
6 year to applicants with criminal convictions.

7 (225 ILCS 407/20-15)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 20-15. Disciplinary actions; grounds. The Department
10 may refuse to issue or renew a license, may place on probation
11 or administrative supervision, suspend, or revoke any license
12 or may reprimand or take other disciplinary or non-disciplinary
13 action as the Department may deem proper, including the
14 imposition of fines not to exceed \$10,000 for each violation
15 upon anyone licensed under this Act for any of the following
16 reasons:

17 (1) False or fraudulent representation or material
18 misstatement in furnishing information to the Department
19 in obtaining or seeking to obtain a license.

20 (2) Violation of any provision of this Act or the rules
21 promulgated pursuant to this Act.

22 (3) For licensees, conviction ~~Conviction~~ of or entry of
23 a plea of guilty or nolo contendere to any crime that is a
24 felony under the laws of the United States or any state or
25 territory thereof, or that is a misdemeanor, an essential

1 element of which is dishonesty, or any crime that is
2 directly related to the practice of the profession. For
3 applicants, provisions set forth in Section 20-11 apply.

4 (4) Being adjudged to be a person under legal
5 disability or subject to involuntary admission or to meet
6 the standard for judicial admission as provided in the
7 Mental Health and Developmental Disabilities Code.

8 (5) Discipline of a licensee by another state, the
9 District of Columbia, a territory of the United States, a
10 foreign nation, a governmental agency, or any other entity
11 authorized to impose discipline if at least one of the
12 grounds for that discipline is the same as or the
13 equivalent to one of the grounds for discipline set forth
14 in this Act or for failing to report to the Department,
15 within 30 days, any adverse final action taken against the
16 licensee by any other licensing jurisdiction, government
17 agency, law enforcement agency, or court, or liability for
18 conduct that would constitute grounds for action as set
19 forth in this Act.

20 (6) Engaging in the practice of auctioneering,
21 conducting an auction, or providing an auction service
22 without a license or after the license was expired,
23 revoked, suspended, or terminated or while the license was
24 inoperative.

25 (7) Attempting to subvert or cheat on the auctioneer
26 exam or any continuing education exam, or aiding or

1 abetting another to do the same.

2 (8) Directly or indirectly giving to or receiving from
3 a person, firm, corporation, partnership, or association a
4 fee, commission, rebate, or other form of compensation for
5 professional service not actually or personally rendered,
6 except that an auctioneer licensed under this Act may
7 receive a fee from another licensed auctioneer from this
8 State or jurisdiction for the referring of a client or
9 prospect for auction services to the licensed auctioneer.

10 (9) Making any substantial misrepresentation or
11 untruthful advertising.

12 (10) Making any false promises of a character likely to
13 influence, persuade, or induce.

14 (11) Pursuing a continued and flagrant course of
15 misrepresentation or the making of false promises through a
16 licensee, agent, employee, advertising, or otherwise.

17 (12) Any misleading or untruthful advertising, or
18 using any trade name or insignia of membership in any
19 auctioneer association or organization of which the
20 licensee is not a member.

21 (13) Commingling funds of others with his or her own
22 funds or failing to keep the funds of others in an escrow
23 or trustee account.

24 (14) Failure to account for, remit, or return any
25 moneys, property, or documents coming into his or her
26 possession that belong to others, acquired through the

1 practice of auctioneering, conducting an auction, or
2 providing an auction service within 30 days of the written
3 request from the owner of said moneys, property, or
4 documents.

5 (15) Failure to maintain and deposit into a special
6 account, separate and apart from any personal or other
7 business accounts, all moneys belonging to others
8 entrusted to a licensee while acting as an auctioneer,
9 associate auctioneer, auction firm, or as a temporary
10 custodian of the funds of others.

11 (16) Failure to make available to Department personnel
12 during normal business hours all escrow and trustee records
13 and related documents maintained in connection with the
14 practice of auctioneering, conducting an auction, or
15 providing an auction service within 24 hours after a
16 request from Department personnel.

17 (17) Making or filing false records or reports in his
18 or her practice, including but not limited to false records
19 or reports filed with State agencies.

20 (18) Failing to voluntarily furnish copies of all
21 written instruments prepared by the auctioneer and signed
22 by all parties to all parties at the time of execution.

23 (19) Failing to provide information within 30 days in
24 response to a written request made by the Department.

25 (20) Engaging in any act that constitutes a violation
26 of Section 2-102, 3-103, or 3-105 of the Illinois Human

1 Rights Act.

2 (21) (Blank).

3 (22) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public.

6 (23) Offering or advertising real estate for sale or
7 lease at auction without a valid broker or managing
8 broker's license under the Real Estate License Act of 1983,
9 or any successor Act, unless exempt from licensure under
10 the terms of the Real Estate License Act of 2000, or any
11 successor Act, except as provided for in Section 5-32 of
12 the Real Estate License Act of 2000.

13 (24) Inability to practice the profession with
14 reasonable judgment, skill, or safety as a result of a
15 physical illness, including, but not limited to,
16 deterioration through the aging process or loss of motor
17 skill, or a mental illness or disability.

18 (25) A pattern of practice or other behavior that
19 demonstrates incapacity or incompetence to practice under
20 this Act.

21 (26) Being named as a perpetrator in an indicated
22 report by the Department of Children and Family Services
23 under the Abused and Neglected Child Reporting Act and upon
24 proof by clear and convincing evidence that the licensee
25 has caused a child to be an abused child or a neglected
26 child as defined in the Abused and Neglected Child

1 Reporting Act.

2 (27) Inability to practice with reasonable judgment,
3 skill, or safety as a result of habitual or excessive use
4 or addiction to alcohol, narcotics, stimulants, or any
5 other chemical agent or drug.

6 (28) Wilfully failing to report an instance of
7 suspected child abuse or neglect as required by the Abused
8 and Neglected Child Reporting Act.

9 The entry of an order by a circuit court establishing that
10 any person holding a license under this Act is subject to
11 involuntary admission or judicial admission, as provided for in
12 the Mental Health and Developmental Disabilities Code,
13 operates as an automatic suspension of that license. That
14 person may have his or her license restored only upon the
15 determination by a circuit court that the patient is no longer
16 subject to involuntary admission or judicial admission and the
17 issuance of an order so finding and discharging the patient and
18 upon the Board's recommendation to the Department that the
19 license be restored. Where circumstances so indicate, the Board
20 may recommend to the Department that it require an examination
21 prior to restoring a suspended license.

22 If the Department or Board finds an individual unable to
23 practice because of the reasons set forth in this Section, the
24 Department or Board may require that individual to submit to
25 care, counseling, or treatment by physicians approved or
26 designated by the Department or Board, as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to
2 practice; or, in lieu of care, counseling, or treatment, the
3 Department may file, or the Board may recommend to the
4 Department to file, a complaint to immediately suspend, revoke,
5 or otherwise discipline the license of the individual. An
6 individual whose license was granted, continued, reinstated,
7 renewed, disciplined or supervised subject to such terms,
8 conditions, or restrictions, and who fails to comply with such
9 terms, conditions, or restrictions, shall be referred to the
10 Secretary for a determination as to whether the individual
11 shall have his or her license suspended immediately, pending a
12 hearing by the Department. In instances in which the Secretary
13 immediately suspends a person's license under this Section, a
14 hearing on that person's license must be convened by the
15 Department within 21 days after the suspension and completed
16 without appreciable delay. The Department and Board shall have
17 the authority to review the subject individual's record of
18 treatment and counseling regarding the impairment to the extent
19 permitted by applicable federal statutes and regulations
20 safeguarding the confidentiality of medical records.

21 An individual licensed under this Act and affected under
22 this Section shall be afforded an opportunity to demonstrate to
23 the Department or Board that he or she can resume practice in
24 compliance with acceptable and prevailing standards under the
25 provisions of his or her license.

26 In enforcing this Section, the Department or Board, upon a

1 showing of a possible violation, may compel an individual
2 licensed to practice under this Act, or who has applied for
3 licensure under this Act, to submit to a mental or physical
4 examination, or both, as required by and at the expense of the
5 Department. The Department or Board may order the examining
6 physician to present testimony concerning the mental or
7 physical examination of the licensee or applicant. No
8 information shall be excluded by reason of any common law or
9 statutory privilege relating to communications between the
10 licensee or applicant and the examining physician. The
11 examining physicians shall be specifically designated by the
12 Board or Department. The individual to be examined may have, at
13 his or her own expense, another physician of his or her choice
14 present during all aspects of this examination. Failure of an
15 individual to submit to a mental or physical examination when
16 directed shall be grounds for suspension of his or her license
17 until the individual submits to the examination, if the
18 Department finds that, after notice and hearing, the refusal to
19 submit to the examination was without reasonable cause.

20 (Source: P.A. 98-553, eff. 1-1-14.)

21 Section 90. The Electrologist Licensing Act is amended by
22 changing Section 75 and by adding Section 76 as follows:

23 (225 ILCS 412/75)

24 (Section scheduled to be repealed on January 1, 2024)

1 Sec. 75. Grounds for discipline.

2 (a) The Department may refuse to issue or renew and may
3 revoke or suspend a license under this Act, and may place on
4 probation, reprimand, or take other disciplinary or
5 non-disciplinary action with regard to any licensee under this
6 Act, as the Department may consider appropriate, including
7 imposing fines not to exceed \$10,000 for each violation and
8 assess costs as provided for under Section 95 of this Act, for
9 one or any combination of the following causes:

10 (1) Material misstatement in furnishing information to
11 the Department.

12 (2) Violation of this Act or rules adopted under this
13 Act.

14 (3) For licensees, conviction ~~Conviction~~ by plea of
15 guilty or nolo contendere, finding of guilt, jury verdict,
16 or entry of judgment or sentencing, including, but not
17 limited to, convictions, preceding sentences of
18 supervision, conditional discharge, or first offender
19 probation, under the laws of any jurisdiction of the United
20 States that is (i) a felony or (ii) a misdemeanor, an
21 essential element of which is dishonesty, or that is
22 directly related to the practice of electrology. For
23 applicants, provisions set forth in Section 76 of this Act
24 apply.

25 (4) Fraud or misrepresentation in applying for or
26 procuring a license under this Act, or in connection with

1 applying for renewal of a license under this Act.

2 (5) Aiding or assisting another person in violating any
3 provision of this Act or its rules.

4 (6) Failing to provide information within 60 days in
5 response to a written request made by the Department.

6 (7) Engaging in dishonorable, unethical, or
7 unprofessional conduct of a character likely to deceive,
8 defraud, or harm the public.

9 (8) Habitual or excessive use or abuse of drugs defined
10 in law as controlled substances, alcohol, or any other
11 substance that results in an electrologist's inability to
12 practice with reasonable judgment, skill, or safety.

13 (9) Discipline by another governmental agency, unit of
14 government, U.S. jurisdiction, or foreign nation if at
15 least one of the grounds for discipline is the same as or
16 substantially equivalent to any of those set forth in this
17 Act.

18 (10) Directly or indirectly giving to or receiving from
19 any person, firm, corporation, partnership, or association
20 any fee, commission, rebate, or other form of compensation
21 for any professional services not actually or personally
22 rendered. Nothing in this paragraph (10) affects any bona
23 fide independent contractor or employment arrangements
24 among health care professionals, health facilities, health
25 care providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements with health

1 care providers may include provisions for compensation,
2 health insurance, pension, or other employment benefits
3 for the provision of services within the scope of the
4 licensee's practice under this Act. Nothing in this
5 paragraph (10) shall be construed to require an employment
6 arrangement to receive professional fees for services
7 rendered.

8 (11) A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation.

11 (12) Abandonment of a patient.

12 (13) Willfully making or filing false records or
13 reports in the licensee's practice, including, but not
14 limited to, false records filed with State agencies or
15 departments.

16 (14) Mental or physical illness or disability,
17 including, but not limited to, deterioration through the
18 aging process or loss of motor skill that results in the
19 inability to practice the profession with reasonable
20 judgment, skill, or safety.

21 (15) Negligence in his or her practice under this Act.

22 (16) Use of fraud, deception, or any unlawful means in
23 applying for and securing a license as an electrologist.

24 (17) Immoral conduct in the commission of any act, such
25 as sexual abuse, sexual misconduct, or sexual
26 exploitation, related to the licensee's practice.

1 (18) Failure to comply with standards of sterilization
2 and sanitation as defined in the rules of the Department.

3 (19) Charging for professional services not rendered,
4 including filing false statements for the collection of
5 fees for which services are not rendered.

6 (20) Allowing one's license under this Act to be used
7 by an unlicensed person in violation of this Act.

8 (b) The Department may refuse to issue or renew or may
9 suspend without hearing the license of any person who fails to
10 file a return, to pay the tax, penalty or interest shown in a
11 filed return, or to pay any final assessment of the tax,
12 penalty, or interest as required by any tax Act administered by
13 the Illinois Department of Revenue until the requirements of
14 the tax Act are satisfied in accordance with subsection (g) of
15 Section 2105-15 of the Department of Professional Regulation
16 Law of the Civil Administrative Code of Illinois.

17 (c) The determination by a circuit court that a licensee is
18 subject to involuntary admission or judicial admission as
19 provided in the Mental Health and Developmental Disabilities
20 Code operates as an automatic suspension. The suspension will
21 end only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission,
23 the issuance of an order so finding and discharging the
24 patient, and the filing of a petition for restoration
25 demonstrating fitness to practice.

26 (d) In enforcing this Section, the Department, upon a

1 showing of a possible violation, may compel any individual who
2 is licensed to practice under this Act or any individual who
3 has applied for licensure to submit to a mental or physical
4 examination and evaluation, or both, that may include a
5 substance abuse or sexual offender evaluation, at the expense
6 of the Department. The Department shall specifically designate
7 the examining physician licensed to practice medicine in all of
8 its branches or, if applicable, the multidisciplinary team
9 involved in providing the mental or physical examination and
10 evaluation, or both. The multidisciplinary team shall be led by
11 a physician licensed to practice medicine in all of its
12 branches and may consist of one or more or a combination of
13 physicians licensed to practice medicine in all of its
14 branches, licensed chiropractic physicians, licensed clinical
15 psychologists, licensed clinical social workers, licensed
16 clinical professional counselors, and other professional and
17 administrative staff. Any examining physician or member of the
18 multidisciplinary team may require any person ordered to submit
19 to an examination and evaluation pursuant to this Section to
20 submit to any additional supplemental testing deemed necessary
21 to complete any examination or evaluation process, including,
22 but not limited to, blood testing, urinalysis, psychological
23 testing, or neuropsychological testing.

24 The Department may order the examining physician or any
25 member of the multidisciplinary team to provide to the
26 Department any and all records, including business records,

1 that relate to the examination and evaluation, including any
2 supplemental testing performed. The Department may order the
3 examining physician or any member of the multidisciplinary team
4 to present testimony concerning this examination and
5 evaluation of the licensee, permit holder, or applicant,
6 including testimony concerning any supplemental testing or
7 documents relating to the examination and evaluation. No
8 information, report, record, or other documents in any way
9 related to the examination and evaluation shall be excluded by
10 reason of any common law or statutory privilege relating to
11 communication between the licensee or applicant and the
12 examining physician or any member of the multidisciplinary
13 team. No authorization is necessary from the licensee or
14 applicant ordered to undergo an evaluation and examination for
15 the examining physician or any member of the multidisciplinary
16 team to provide information, reports, records, or other
17 documents or to provide any testimony regarding the examination
18 and evaluation. The individual to be examined may have, at his
19 or her own expense, another physician of his or her choice
20 present during all aspects of the examination.

21 Failure of any individual to submit to mental or physical
22 examination and evaluation, or both, when directed, shall
23 result in an automatic suspension without hearing, until such
24 time as the individual submits to the examination. If the
25 Department finds a licensee unable to practice because of the
26 reasons set forth in this Section, the Department shall require

1 the licensee to submit to care, counseling, or treatment by
2 physicians approved or designated by the Department as a
3 condition for continued, reinstated, or renewed licensure to
4 practice.

5 When the Secretary immediately suspends a license under
6 this Section, a hearing upon the person's license must be
7 convened by the Department within 15 days after the suspension
8 and completed without appreciable delay. The Department shall
9 have the authority to review the licensee's record of treatment
10 and counseling regarding the impairment to the extent permitted
11 by applicable federal statutes and regulations safeguarding
12 the confidentiality of medical records.

13 Individuals licensed under this Act affected under this
14 Section shall be afforded an opportunity to demonstrate to the
15 Department that they can resume practice in compliance with
16 acceptable and prevailing standards under the provisions of
17 their license.

18 (e) The Department shall deny a license or renewal
19 authorized by this Act to a person who has defaulted on an
20 educational loan or scholarship provided or guaranteed by the
21 Illinois Student Assistance Commission or any governmental
22 agency of this State in accordance with item (5) of subsection
23 (a) of Section 2105-15 of the Department of Professional
24 Regulation Law of the Civil Administrative Code of Illinois.

25 (f) In cases where the Department of Healthcare and Family
26 Services has previously determined a licensee or a potential

1 licensee is more than 30 days delinquent in the payment of
2 child support and has subsequently certified the delinquency to
3 the Department, the Department may refuse to issue or renew or
4 may revoke or suspend that person's license or may take other
5 disciplinary action against that person based solely upon the
6 certification of delinquency made by the Department of
7 Healthcare and Family Services in accordance with item (5) of
8 subsection (a) of Section 2105-15 of the Department of
9 Professional Regulation Law of the Civil Administrative Code of
10 Illinois.

11 (g) All fines or costs imposed under this Section shall be
12 paid within 60 days after the effective date of the order
13 imposing the fine or costs or in accordance with the terms set
14 forth in the order imposing the fine.

15 (Source: P.A. 98-363, eff. 8-16-13.)

16 (225 ILCS 412/76 new)

17 Sec. 76. Applicant convictions.

18 (a) The Department shall not require the applicant to
19 report the following information and shall not consider the
20 following criminal history records in connection with an
21 application for licensure:

22 (1) Juvenile adjudications of delinquent minors as
23 defined in Section 5-105 of the Juvenile Court Act of 1987,
24 subject to the restrictions set forth in Section 5-130 of
25 the Juvenile Court Act of 1987.

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

6 (3) Records of arrest not followed by a conviction
7 unless related to the practice of the profession. However,
8 applicants shall not be asked to report any arrests, and,
9 an arrest not followed by a conviction shall not be the
10 basis of a denial and may be used only to assess an
11 applicant's rehabilitation.

12 (4) Convictions overturned by a higher court.

13 (5) Convictions or arrests that have been sealed or
14 expunged.

15 (b) When reviewing, for the purpose of determining whether
16 to grant a license, a conviction of any felony by plea of
17 guilty or nolo contendere, finding of guilt, jury verdict, or
18 entry of judgment or by sentencing of an applicant, the
19 Department shall consider any evidence of rehabilitation and
20 mitigating factors contained in the applicant's record,
21 including any of the following:

22 (1) the lack of direct relation of the offense for
23 which the applicant was previously convicted to the duties,
24 functions, and responsibilities of the position for which a
25 license is sought;

26 (2) whether 5 years since a felony conviction or 3

1 years since release from confinement for the conviction,
2 whichever is later, have passed without a subsequent
3 conviction;

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

8 (4) the age of the person at the time of the criminal
9 offense;

10 (5) successful completion of sentence and, for
11 applicants serving a term of parole or probation, a
12 progress report provided by the applicant's probation or
13 parole officer that documents the applicant's compliance
14 with conditions of supervision;

15 (6) evidence of the applicant's present fitness and
16 professional character;

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

24 (8) any other mitigating factors that contribute to the
25 person's potential and current ability to perform the
26 duties and responsibilities of the position for which a

1 license or employment is sought.

2 (c) It is the affirmative obligation of the Department to
3 demonstrate that a prior conviction would impair the ability of
4 the applicant to engage in the licensed practice. If the
5 Department refuses to issue a license to an applicant, then the
6 Department shall notify the applicant of the denial in writing
7 with the following included in the notice of denial:

8 (1) a statement about the decision to refuse to issue a
9 license;

10 (2) a list of the conviction items that formed the sole
11 or partial basis for the refusal to issue a license;

12 (3) a list of the mitigating evidence presented by the
13 applicant;

14 (4) reasons for refusing to issue a license specific to
15 the evidence presented in mitigation of conviction items
16 that formed the partial or sole basis for the Department's
17 decision; and

18 (5) a summary of the appeal process or the earliest the
19 applicant may reapply for a license, whichever is
20 applicable.

21 (d) No later than May 1 of each year, the Department must
22 prepare, publicly announce, and publish a report of summary
23 statistical information relating to new and renewal license
24 applications during the preceding calendar year. Each report
25 shall show at minimum:

26 (1) the number of applicants for a new or renewal

1 license under this Act within the previous calendar year;

2 (2) the number of applicants for a new or renewal
3 license under this Act within the previous calendar year
4 who had any criminal conviction;

5 (3) the number of applicants for a new or renewal
6 license under this Act in the previous calendar year who
7 were granted a license;

8 (4) the number of applicants for a new or renewal
9 license with a criminal conviction who were granted a
10 license under this Act within the previous calendar year;

11 (5) the number of applicants for a new or renewal
12 license under this Act within the previous calendar year
13 who were denied a license;

14 (6) the number of applicants for a new or renewal
15 license with a criminal conviction who were denied a
16 license under this Act in the previous calendar year in
17 part or in whole because of a prior conviction;

18 (7) the number of probationary licenses without
19 monitoring issued under this Act in the previous calendar
20 year to applicants with criminal conviction; and

21 (8) the number of probationary licenses with
22 monitoring issued under this Act in the previous calendar
23 year to applicants with criminal conviction.

24 Section 95. The Illinois Certified Shorthand Reporters Act
25 of 1984 is amended by changing Sections 11 and 23 and by adding

1 Section 11.1 as follows:

2 (225 ILCS 415/11) (from Ch. 111, par. 6211)

3 (Section scheduled to be repealed on January 1, 2024)

4 Sec. 11. Qualifications; application. A person shall be
5 qualified for certification as a certified shorthand reporter
6 if:

7 A. That person has applied in writing in form and substance
8 to the Department; and

9 (1) (Blank);

10 (2) Is of good moral character, the determination of
11 which, when based on a prior felony conviction, shall be
12 made in accordance with Section 11.1 of this Act ~~shall take~~
13 ~~into account but not be totally based upon any felony~~
14 ~~conviction of the applicant; and~~

15 (3) Has graduated from a high school or secondary
16 school or its equivalent; and

17 B. That person has successfully completed the examination
18 authorized by the Department.

19 (Source: P.A. 98-445, eff. 12-31-13.)

20 (225 ILCS 415/11.1 new)

21 Sec. 11.1. Applicant convictions.

22 (a) The Department shall not require the applicant to
23 report the following information and shall not consider the
24 following criminal history records in connection with an

1 application for a license under this Act:

2 (1) Juvenile adjudications of delinquent minors as
3 defined in Section 5-105 of the Juvenile Court Act of 1987,
4 subject to the restrictions set forth in Section 5-130 of
5 the Juvenile Court Act of 1987.

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

11 (3) Records of arrest not followed by a conviction
12 unless related to the practice of the profession. However,
13 applicants shall not be asked to report any arrests, and,
14 an arrest not followed by a conviction shall not be the
15 basis of a denial and may be used only to assess an
16 applicant's rehabilitation.

17 (4) Convictions overturned by a higher court.

18 (5) Convictions or arrests that have been sealed or
19 expunged.

20 (b) No applicant for license under this Act shall be denied
21 a license based on a finding of a lack of "good moral
22 character" when a finding is based on the fact that an
23 applicant was previously convicted of a criminal offense or
24 offenses. When reviewing, for the purpose of determining moral
25 character or whether to grant a license, a conviction of any
26 felony or a misdemeanor directly related to the practice of the

1 profession of an applicant, the Department shall consider any
2 evidence of rehabilitation or mitigating factors contained in
3 the applicant's record, including any of the following:

4 (1) the lack of direct relation of the offense for
5 which the applicant was previously convicted to the duties,
6 functions, and responsibilities of the position for which a
7 license is sought;

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

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

16 (4) the age of the person at the time of the criminal
17 offense;

18 (5) successful completion of sentence or for
19 applicants serving a term of parole or probation, a
20 progress report provided by the applicant's probation or
21 parole officer that documents the applicant's compliance
22 with conditions of supervision;

23 (6) evidence of the applicant's present fitness and
24 professional character;

25 (7) evidence of rehabilitation or rehabilitative
26 effort during or after incarceration, or during or after a

1 term of supervision, including, but not limited to, a
2 certificate of good conduct under Section 5-5.5-25 of the
3 Unified Code of Corrections or a certificate of relief from
4 disabilities under Section 5-5.5-10 of the Unified Code of
5 Corrections; and

6 (8) any other mitigating factors that contribute to the
7 person's potential and current ability to perform the
8 duties and responsibilities of the position for which a
9 license or employment is sought.

10 (c) It is the affirmative obligation of the Department to
11 demonstrate that a prior conviction would impair the ability of
12 the applicant to engage in the licensed practice. If the
13 Department refuses to issue a license to an applicant, then the
14 Department shall notify the applicant of the denial in writing
15 with the following included in the notice of denial:

16 (1) a statement about the decision to refuse to issue a
17 license;

18 (2) a list of the conviction items that formed the sole
19 or partial basis for the refusal to issue a license;

20 (3) a list of the mitigating evidence presented by the
21 applicant;

22 (4) reasons for refusing to issue a license specific to
23 the evidence presented in mitigation of conviction items
24 that formed the partial or sole basis for the Department's
25 decision; and

26 (5) a summary of the appeal process or the earliest the

1 applicant may reapply for a license, whichever is
2 applicable.

3 (d) No later than May 1 of each year, the Department must
4 prepare, publicly announce, and publish a report of summary
5 statistical information relating to new and renewal license
6 applications during the preceding calendar year. Each report
7 shall show at minimum:

8 (1) the number of applicants for a new or renewal
9 license under this Act within the previous calendar year;

10 (2) the number of applicants for a new or renewal
11 license under this Act within the previous calendar year
12 who had any criminal conviction;

13 (3) the number of applicants for a new or renewal
14 license under this Act in the previous calendar year who
15 were granted a license;

16 (4) the number of applicants for a new or renewal
17 license with a criminal conviction who were granted a
18 license under this Act within the previous calendar year;

19 (5) the number of applicants for a new or renewal
20 license under this Act within the previous calendar year
21 who were denied a license;

22 (6) the number of applicants for a new or renewal
23 license with a criminal conviction who were denied a
24 license under this Act in the previous calendar year in
25 part or in whole because of a prior conviction;

26 (7) the number of probationary licenses without

1 monitoring issued under this Act in the previous calendar
2 year to applicants with criminal conviction; and
3 (8) the number of probationary licenses with
4 monitoring issued under this Act in the previous calendar
5 year to applicants with criminal conviction.

6 (225 ILCS 415/23) (from Ch. 111, par. 6223)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 23. Grounds for disciplinary action.

9 (a) The Department may refuse to issue or renew, or may
10 revoke, suspend, place on probation, reprimand or take other
11 disciplinary or non-disciplinary action as the Department may
12 deem appropriate, including imposing fines not to exceed
13 \$10,000 for each violation and the assessment of costs as
14 provided for in Section 23.3 of this Act, with regard to any
15 license for any one or combination of the following:

16 (1) Material misstatement in furnishing information to
17 the Department;

18 (2) Violations of this Act, or of the rules promulgated
19 thereunder;

20 (3) For licensees, conviction ~~Conviction~~ by plea of
21 guilty or nolo contendere, finding of guilt, jury verdict,
22 or entry of judgment or by sentencing of any crime,
23 including, but not limited to, convictions, preceding
24 sentences of supervision, conditional discharge, or first
25 offender probation under the laws of any jurisdiction of

1 the United States: (i) that is a felony or (ii) that is a
2 misdemeanor, an essential element of which is dishonesty,
3 or that is directly related to the practice of the
4 profession; for applicants, provisions set forth in
5 Section 11.1 apply;

6 (4) Fraud or any misrepresentation in applying for or
7 procuring a license under this Act or in connection with
8 applying for renewal of a license under this Act;

9 (5) Professional incompetence;

10 (6) Aiding or assisting another person, firm,
11 partnership or corporation in violating any provision of
12 this Act or rules;

13 (7) Failing, within 60 days, to provide information in
14 response to a written request made by the Department;

15 (8) Engaging in dishonorable, unethical or
16 unprofessional conduct of a character likely to deceive,
17 defraud or harm the public;

18 (9) Habitual or excessive use or abuse of drugs defined
19 in law as controlled substances, alcohol, or any other
20 substances that results in the inability to practice with
21 reasonable judgment, skill, or safety;

22 (10) Discipline by another state, unit of government,
23 government agency, the District of Columbia, a territory,
24 or foreign nation, if at least one of the grounds for the
25 discipline is the same or substantially equivalent to those
26 set forth herein;

1 (11) Charging for professional services not rendered,
2 including filing false statements for the collection of
3 fees for which services were not rendered, or giving,
4 directly or indirectly, any gift or anything of value to
5 attorneys or their staff or any other persons or entities
6 associated with any litigation, that exceeds \$100 total per
7 year; for the purposes of this Section, pro bono services,
8 as defined by State law, are permissible in any amount;

9 (12) A finding by the Board that the certificate
10 holder, after having his certificate placed on
11 probationary status, has violated the terms of probation;

12 (13) Willfully making or filing false records or
13 reports in the practice of shorthand reporting, including
14 but not limited to false records filed with State agencies
15 or departments;

16 (14) Physical illness, including but not limited to,
17 deterioration through the aging process, or loss of motor
18 skill which results in the inability to practice under this
19 Act with reasonable judgment, skill or safety;

20 (15) Solicitation of professional services other than
21 by permitted advertising;

22 (16) Willful failure to take full and accurate
23 stenographic notes of any proceeding;

24 (17) Willful alteration of any stenographic notes
25 taken at any proceeding;

26 (18) Willful failure to accurately transcribe verbatim

1 any stenographic notes taken at any proceeding;

2 (19) Willful alteration of a transcript of
3 stenographic notes taken at any proceeding;

4 (20) Affixing one's signature to any transcript of his
5 stenographic notes or certifying to its correctness unless
6 the transcript has been prepared by him or under his
7 immediate supervision;

8 (21) Willful failure to systematically retain
9 stenographic notes or transcripts on paper or any
10 electronic media for 10 years from the date that the notes
11 or transcripts were taken;

12 (22) Failure to deliver transcripts in a timely manner
13 or in accordance with contractual agreements;

14 (23) Establishing contingent fees as a basis of
15 compensation;

16 (24) Mental illness or disability that results in the
17 inability to practice under this Act with reasonable
18 judgment, skill, or safety;

19 (25) Practicing under a false or assumed name, except
20 as provided by law;

21 (26) Cheating on or attempting to subvert the licensing
22 examination administered under this Act;

23 (27) Allowing one's license under this Act to be used
24 by an unlicensed person in violation of this Act.

25 All fines imposed under this Section shall be paid within
26 60 days after the effective date of the order imposing the fine

1 or in accordance with the terms set forth in the order imposing
2 the fine.

3 (b) The determination by a circuit court that a certificate
4 holder is subject to involuntary admission or judicial
5 admission as provided in the Mental Health and Developmental
6 Disabilities Code, operates as an automatic suspension. Such
7 suspension will end only upon a finding by a court that the
8 patient is no longer subject to involuntary admission or
9 judicial admission, an order by the court so finding and
10 discharging the patient. In any case where a license is
11 suspended under this Section, the licensee may file a petition
12 for restoration and shall include evidence acceptable to the
13 Department that the licensee can resume practice in compliance
14 with acceptable and prevailing standards of the profession.

15 (c) In cases where the Department of Healthcare and Family
16 Services has previously determined a licensee or a potential
17 licensee is more than 30 days delinquent in the payment of
18 child support and has subsequently certified the delinquency to
19 the Department, the Department may refuse to issue or renew or
20 may revoke or suspend that person's license or may take other
21 disciplinary action against that person based solely upon the
22 certification of delinquency made by the Department of
23 Healthcare and Family Services in accordance with item (5) of
24 subsection (a) of Section 2105-15 of the Civil Administrative
25 Code of Illinois.

26 (d) In enforcing this Section, the Department, upon a

1 showing of a possible violation, may compel any individual who
2 is certified under this Act or any individual who has applied
3 for certification under this Act to submit to a mental or
4 physical examination and evaluation, or both, which may include
5 a substance abuse or sexual offender evaluation, at the expense
6 of the Department. The Department shall specifically designate
7 the examining physician licensed to practice medicine in all of
8 its branches or, if applicable, the multidisciplinary team
9 involved in providing the mental or physical examination and
10 evaluation, or both. The multidisciplinary team shall be led by
11 a physician licensed to practice medicine in all of its
12 branches and may consist of one or more or a combination of
13 physicians licensed to practice medicine in all of its
14 branches, licensed chiropractic physicians, licensed clinical
15 psychologists, licensed clinical social workers, licensed
16 clinical professional counselors, and other professional and
17 administrative staff. Any examining physician or member of the
18 multidisciplinary team may require any person ordered to submit
19 to an examination and evaluation pursuant to this Section to
20 submit to any additional supplemental testing deemed necessary
21 to complete any examination or evaluation process, including,
22 but not limited to, blood testing, urinalysis, psychological
23 testing, or neuropsychological testing.

24 The Department may order the examining physician or any
25 member of the multidisciplinary team to provide to the
26 Department any and all records, including business records,

1 that relate to the examination and evaluation, including any
2 supplemental testing performed. The Department may order the
3 examining physician or any member of the multidisciplinary team
4 to present testimony concerning this examination and
5 evaluation of the certified shorthand reporter or applicant,
6 including testimony concerning any supplemental testing or
7 documents relating to the examination and evaluation. No
8 information, report, record, or other documents in any way
9 related to the examination and evaluation shall be excluded by
10 reason of any common law or statutory privilege relating to
11 communication between the licensee or applicant and the
12 examining physician or any member of the multidisciplinary
13 team. No authorization is necessary from the certified
14 shorthand reporter or applicant ordered to undergo an
15 evaluation and examination for the examining physician or any
16 member of the multidisciplinary team to provide information,
17 reports, records, or other documents or to provide any
18 testimony regarding the examination and evaluation. The
19 individual to be examined may have, at his or her own expense,
20 another physician of his or her choice present during all
21 aspects of the examination.

22 Failure of any individual to submit to mental or physical
23 examination and evaluation, or both, when directed, shall
24 result in an automatic suspension, without hearing, until such
25 time as the individual submits to the examination. If the
26 Department finds a certified shorthand reporter unable to

1 practice because of the reasons set forth in this Section, the
2 Department shall require the certified shorthand reporter to
3 submit to care, counseling, or treatment by physicians approved
4 or designated by the Department, as a condition for continued,
5 reinstated, or renewed certification.

6 When the Secretary immediately suspends a certificate
7 under this Section, a hearing upon the person's certificate
8 must be convened by the Department within 15 days after the
9 suspension and completed without appreciable delay. The
10 Department shall have the authority to review the certified
11 shorthand reporter's record of treatment and counseling
12 regarding the impairment, to the extent permitted by applicable
13 federal statutes and regulations safeguarding the
14 confidentiality of medical records.

15 Individuals certified under this Act, affected under this
16 Section, shall be afforded an opportunity to demonstrate to the
17 Department that they can resume practice in compliance with
18 acceptable and prevailing standards under the provisions of
19 their certification.

20 (e) The Department shall deny a license or renewal
21 authorized by this Act to a person who has defaulted on an
22 educational loan or scholarship provided or guaranteed by the
23 Illinois Student Assistance Commission or any governmental
24 agency of this State in accordance with item (5) of subsection
25 (a) of Section 2105-15 of the Civil Administrative Code of
26 Illinois.

1 (f) The Department may refuse to issue or may suspend
2 without hearing, as provided for in the Code of Civil
3 Procedure, the license of any person who fails to file a
4 return, to pay the tax, penalty, or interest shown in a filed
5 return, or to pay any final assessment of tax, penalty, or
6 interest as required by any tax Act administered by the
7 Illinois Department of Revenue, until such time as the
8 requirements of any such tax Act are satisfied in accordance
9 with subsection (g) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

11 (Source: P.A. 98-445, eff. 12-31-13; 98-756, eff. 7-16-14.)

12 Section 100. The Collateral Recovery Act is amended by
13 changing Sections 40, 45, 80, and 85 as follows:

14 (225 ILCS 422/40)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 40. Qualifications for recovery manager;
17 identification card.

18 (a) An applicant is qualified for licensure as a recovery
19 manager if that person meets all of the following requirements:

20 (1) Is 21 years of age or older.

21 (2) If convicted of any felony, has been sufficiently
22 rehabilitated following the conviction ~~Has not been~~
23 ~~convicted in any jurisdiction of any felony or at least 10~~
24 years has passed from the time of discharge from any

1 sentence imposed for a felony.

2 (3) Has completed no less than 2,500 hours of actual
3 compensated collateral recovery work as an employee of a
4 repossession agency, a financial institution, or a vehicle
5 dealer within the 5 years immediately preceding the filing
6 of an application, acceptable proof of which must be
7 submitted to the Commission.

8 (4) Has submitted to the Commission 2 sets of
9 fingerprints, which shall be checked against the
10 fingerprint records on file with the Illinois State Police
11 and the Federal Bureau of Investigation in the manner set
12 forth in Section 60 of this Act.

13 (5) Has successfully completed a certification program
14 approved by the Commission.

15 (6) Has paid the required application fees.

16 (b) Upon the issuance of a recovery manager license, the
17 Commission shall issue the license holder a suitable pocket
18 identification card that shall include a photograph of the
19 license holder. The identification card must contain the name
20 of the license holder and any other information required by the
21 Commission. An applicant who is 21 years of age or older
22 seeking a religious exemption to the photograph requirement of
23 this subsection shall furnish with his or her application an
24 approved copy of United States Department of the Treasury
25 Internal Revenue Service Form 4029.

26 (c) A recovery manager license is not transferable.

1 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

2 (225 ILCS 422/45)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 45. Repossession agency employee requirements.

5 (a) All employees of a licensed repossession agency whose
6 duties include the actual repossession of collateral must apply
7 for a recovery permit. The holder of a repossession agency
8 license issued under this Act, known in this Section as the
9 "employer", may employ in the conduct of the business under the
10 following provisions:

11 (1) No person may be issued a recovery permit who meets
12 any of the following criteria:

13 (A) Is younger than 21 years of age.

14 (B) Has been determined by the Commission to be
15 unfit by reason of a lack of rehabilitation following a
16 conviction of an offense in this or another state,
17 other than a minor traffic offense. The Commission
18 shall adopt rules for making those determinations.

19 (C) Has had a license or recovery permit denied,
20 suspended, or revoked under this Act.

21 (D) Has not successfully completed a certification
22 program approved by the Commission.

23 (2) No person may be employed by a repossession agency
24 under this Section until he or she has executed and
25 furnished to the Commission, on forms furnished by the

1 Commission, a verified statement to be known as an
2 "Employee's Statement" setting forth all of the following:

3 (A) The person's full name, age, and residence
4 address.

5 (B) The business or occupation engaged in for the 5
6 years immediately before the date of the execution of
7 the statement, the place where the business or
8 occupation was engaged in, and the names of the
9 employers, if any.

10 (C) That the person has not had a license or
11 recovery permit denied, revoked, or suspended under
12 this Act.

13 (D) Any conviction of a felony, except as provided
14 for in Section 85.

15 (E) Any other information as may be required by any
16 rule of the Commission to show the good character,
17 competency, and integrity of the person executing the
18 statement.

19 (b) Each applicant for a recovery permit shall have his or
20 her fingerprints submitted to the Commission by a Live Scan
21 fingerprint vendor certified by the Illinois State Police under
22 the Private Detective, Private Alarm, Private Security,
23 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic
24 format that complies with the form and manner for requesting
25 and furnishing criminal history record information as
26 prescribed by the Illinois State Police. These fingerprints

1 shall be checked against the Illinois State Police and Federal
2 Bureau of Investigation criminal history record databases now
3 and hereafter filed. The Commission shall charge applicants a
4 fee for conducting the criminal history records check, which
5 shall not exceed the actual cost of the records check. The
6 Illinois Commerce Commission Police shall furnish, pursuant to
7 positive identification, records of Illinois convictions to
8 the Commission. The Commission, in its discretion, may allow an
9 applicant who does not have reasonable access to a designated
10 vendor to provide his or her fingerprints in an alternative
11 manner. The Commission, in its discretion, may also use other
12 procedures in performing or obtaining criminal history records
13 checks of applicants. Instead of submitting his or her
14 fingerprints, an individual may submit proof that is
15 satisfactory to the Commission that an equivalent security
16 clearance has been conducted.

17 (c) Qualified applicants shall purchase a recovery permit
18 from the Commission and in a form that the Commission
19 prescribes. The Commission shall notify the submitting person
20 within 10 days after receipt of the application of its intent
21 to issue or deny the recovery permit. The holder of a recovery
22 permit shall carry the recovery permit at all times while
23 actually engaged in the performance of the duties of his or her
24 employment. No recovery permit shall be effective unless
25 accompanied by a license issued by the Commission. Expiration
26 and requirements for renewal of recovery permits shall be

1 established by rule of the Commission. Possession of a recovery
2 permit does not in any way imply that the holder of the
3 recovery permit is employed by any agency unless the recovery
4 permit is accompanied by the employee identification card
5 required by subsection (e) of this Section.

6 (d) Each employer shall maintain a record of each employee
7 that is accessible to the duly authorized representatives of
8 the Commission. The record shall contain all of the following
9 information:

10 (1) A photograph taken within 10 days after the date
11 that the employee begins employment with the employer. The
12 photograph shall be replaced with a current photograph
13 every 3 calendar years.

14 (2) The Employee's Statement specified in paragraph
15 (2) of subsection (a) of this Section.

16 (3) All correspondence or documents relating to the
17 character and integrity of the employee received by the
18 employer from any official source or law enforcement
19 agency.

20 (4) In the case of former employees, the employee
21 identification card of that person issued under subsection
22 (e) of this Section.

23 (e) Every employer shall furnish an employee
24 identification card to each of his or her employees. This
25 subsection (e) shall not apply to office or clerical personnel.
26 This employee identification card shall contain a recent

1 photograph of the employee, the employee's name, the name and
2 agency license number of the employer, the employee's personal
3 description, the signature of the employer, the signature of
4 that employee, the date of issuance, and an employee
5 identification card number.

6 (f) No employer may issue an employee identification card
7 to any person who is not employed by the employer in accordance
8 with this Section or falsely state or represent that a person
9 is or has been in his or her employ. It is unlawful for an
10 applicant for registration to file with the Commission the
11 fingerprints of a person other than himself or herself or to
12 fail to exercise due diligence in resubmitting replacement
13 fingerprints for those employees who have had original
14 fingerprint submissions returned as unclassifiable. An agency
15 shall inform the Commission within 15 days after contracting or
16 employing a licensed repossession agency employee. The
17 Commission shall develop a registration process by rule.

18 (g) Every employer shall obtain the identification card of
19 every employee who terminates employment with the employer. An
20 employer shall immediately report an identification card that
21 is lost or stolen to the local police department having
22 jurisdiction over the repossession agency location.

23 (h) No agency may employ any person to perform any activity
24 under this Act unless the person possesses a valid license or
25 recovery permit under this Act.

26 (i) If information is discovered affecting the

1 registration of a person whose fingerprints were submitted
2 under this Section, then the Commission shall so notify the
3 agency that submitted the fingerprints on behalf of that
4 person.

5 (j) A person employed under this Section shall have 15
6 business days within which to notify the Commission of any
7 change in employer, but may continue working under any other
8 recovery permits granted as an employee or independent
9 contractor.

10 (k) This Section applies only to those employees of
11 licensed repossession agencies whose duties include actual
12 repossession of collateral.

13 (l) An applicant who is 21 years of age or older seeking a
14 religious exemption to the photograph requirement of this
15 Section shall furnish with his or her application an approved
16 copy of United States Department of the Treasury Internal
17 Revenue Service Form 4029. Regardless of age, an applicant
18 seeking a religious exemption to this photograph requirement
19 shall submit fingerprints in a form and manner prescribed by
20 the Commission with his or her application in lieu of a
21 photograph.

22 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

23 (225 ILCS 422/80)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 80. Refusal, revocation, or suspension.

1 (a) The Commission may refuse to issue or renew or may
2 revoke any license or recovery permit or may suspend, place on
3 probation, fine, or take any disciplinary action that the
4 Commission may deem proper, including fines not to exceed
5 \$2,500 for each violation, with regard to any license holder or
6 recovery permit holder for one or any combination of the
7 following causes:

8 (1) Knowingly making any misrepresentation for the
9 purpose of obtaining a license or recovery permit.

10 (2) Violations of this Act or its rules.

11 (3) For licensees or permit holders, conviction
12 ~~Conviction~~ of any crime under the laws of the United States
13 or any state or territory thereof that is (i) a felony,
14 (ii) a misdemeanor, an essential element of which is
15 dishonesty, or (iii) a crime that is related to the
16 practice of the profession. For license or permit
17 applicants, provisions set forth in Section 85 of this Act
18 apply.

19 (4) Aiding or abetting another in violating any
20 provision of this Act or its rules.

21 (5) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public as defined by rule.

24 (6) Violation of any court order from any State or
25 public agency engaged in the enforcement of payment of
26 child support arrearages or for noncompliance with certain

1 processes relating to paternity or support proceeding.

2 (7) Solicitation of professional services by using
3 false or misleading advertising.

4 (8) A finding that the license or recovery permit was
5 obtained by fraudulent means.

6 (9) Practicing or attempting to practice under a name
7 other than the full name shown on the license or recovery
8 permit or any other legally authorized name.

9 (b) The Commission may refuse to issue or may suspend the
10 license or recovery permit of any person or entity who fails to
11 file a return, pay the tax, penalty, or interest shown in a
12 filed return, or pay any final assessment of tax, penalty, or
13 interest, as required by any tax Act administered by the
14 Department of Revenue, until the time the requirements of the
15 tax Act are satisfied. The Commission may take into
16 consideration any pending tax disputes properly filed with the
17 Department of Revenue.

18 (Source: P.A. 97-576, eff. 7-1-12.)

19 (225 ILCS 422/85)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 85. Consideration of past crimes.

22 (a) The Commission shall not require the applicant to
23 report the following information and shall not consider the
24 following criminal history records in connection with an
25 application for a license or permit under this Act:

1 (1) Juvenile adjudications of delinquent minors as
2 defined in Section 5-105 of the Juvenile Court Act of 1987,
3 subject to the restrictions set forth in Section 5-130 of
4 the Juvenile Court Act of 1987.

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

10 (3) Records of arrest not followed by a conviction.

11 (4) Convictions overturned by a higher court.

12 (5) Convictions or arrests that have been sealed or
13 expunged.

14 (b) When ~~(a) Notwithstanding the prohibitions set forth in~~
15 ~~Sections 40 and 45 of this Act, when~~ considering the denial of
16 a license or recovery permit on the grounds of conviction of a
17 crime, the Commission, in evaluating the rehabilitation of the
18 applicant and the applicant's present eligibility for a license
19 or recovery permit, shall consider each of the following
20 criteria:

21 (1) The lack of direct relation of the offense for
22 which the applicant was previously convicted to the duties,
23 functions, and responsibilities of the position for which a
24 license is sought. ~~The nature and severity of the act or~~
25 ~~crime under consideration as grounds for denial.~~

26 (2) Circumstances relative to the offense, including

1 the applicant's age at the time that the offense was
2 committed.

3 (3) ~~(2)~~ Evidence of any act committed subsequent to the
4 act or crime under consideration as grounds for denial,
5 which also could be considered as grounds for disciplinary
6 action under this Act.

7 (4) ~~(3)~~ The amount of time that has lapsed since the
8 commission of the act or crime ~~referred to in item (1) or~~
9 ~~(2) of this subsection (a).~~

10 (5) successful completion of sentence or for
11 applicants serving a term of parole or probation, a
12 progress report provided by the applicant's probation or
13 parole officer that documents the applicant's compliance
14 with conditions of supervision. ~~(4) The extent to which the~~
15 ~~applicant has complied with any terms of parole, probation,~~
16 ~~restitution, or any other sanctions lawfully imposed~~
17 ~~against the applicant.~~

18 (6) if the applicant was previously licensed or
19 employed in this State or other state or jurisdictions,
20 then the lack of prior misconduct arising from or related
21 to the licensed position or position of employment. ~~(5)~~
22 ~~Evidence, if any, of rehabilitation submitted by the~~
23 ~~applicant.~~

24 (7) evidence of rehabilitation or rehabilitative
25 effort during or after incarceration, or during or after a
26 term of supervision, including, but not limited to, a

1 certificate of good conduct under Section 5-5.5-25 of the
2 Unified Code of Corrections or a certificate of relief from
3 disabilities under Section 5-5.5-10 of the Unified Code of
4 Corrections.

5 (8) any other mitigating factors that contribute to the
6 person's potential and current ability to perform the
7 duties and responsibilities of practices licensed or
8 registered under this Act.

9 (c) ~~(b)~~ When considering the suspension or revocation of a
10 license or recovery permit on the grounds of conviction of a
11 crime, the Commission, in evaluating the rehabilitation of the
12 applicant and the applicant's present eligibility for a license
13 or recovery permit, shall consider each of the following
14 criteria:

15 (1) The nature and severity of the act or offense.

16 (2) The license holder's or recovery permit holder's
17 criminal record in its entirety.

18 (3) The amount of time that has lapsed since the
19 commission of the act or offense.

20 (4) Whether the license holder or recovery permit
21 holder has complied with any terms of parole, probation,
22 restitution, or any other sanctions lawfully imposed
23 against him or her.

24 (5) If applicable, evidence of expungement
25 proceedings.

26 (6) Evidence, if any, of rehabilitation submitted by

1 the license holder or recovery permit holder.

2 (d) It is the affirmative obligation of the Commission to
3 demonstrate that a prior conviction would impair the ability of
4 the applicant to engage in the licensed or registered practice.
5 If the Commission refuses to grant a license or permit to an
6 applicant, then the Commission shall notify the applicant of
7 the denial in writing with the following included in the notice
8 of denial:

9 (1) a statement about the decision to refuse to grant a
10 license or permit;

11 (2) a list of the conviction items that formed the sole
12 or partial basis for the refusal to grant a license or
13 permit;

14 (3) a list of the mitigating evidence presented by the
15 applicant;

16 (4) reasons for refusing to grant a license or permit
17 specific to the evidence presented in mitigation of
18 conviction items that formed the partial or sole basis for
19 the Commission's decision; and

20 (5) a summary of the appeal process or the earliest the
21 applicant may reapply for a license or permit, whichever is
22 applicable.

23 (e) No later than May 1 of each year, the Commission must
24 prepare, publicly announce, and publish a report of summary
25 statistical information relating to new and renewal license or
26 permit applications during the preceding calendar year. Each

1 report shall show at minimum:

2 (1) the number of applicants for new or renewal license
3 or permit under this Act within the previous calendar year;

4 (2) the number of applicants for new or renewal license
5 or permit under this Act within the previous calendar year
6 who had any criminal conviction;

7 (3) the number of applicants for new or renewal license
8 or permit under this Act in the previous calendar year who
9 were granted a license or permit;

10 (4) the number of applicants for new or renewal license
11 or permit with a criminal conviction who were granted a
12 license or permit under this Act within the previous
13 calendar year;

14 (5) the number of applicants for a new or renewal
15 license or permit under this Act within the previous
16 calendar year who were denied a license or permit;

17 (6) the number of applicants for a new or renewal
18 license or permit with a criminal conviction who were
19 denied a license or permit under this Act in the previous
20 calendar year in whole or in part because of a prior
21 conviction;

22 (7) the number of probationary licenses without
23 monitoring issued under this Act in the previous calendar
24 year to applicants with criminal conviction; and

25 (8) the number of probationary licenses with
26 monitoring issued under this Act in the previous calendar

1 year to applicants with criminal conviction.

2 (Source: P.A. 97-576, eff. 7-1-12.)

3 Section 105. The Community Association Manager Licensing
4 and Disciplinary Act is amended by changing Section 85 and by
5 adding Section 43 as follows:

6 (225 ILCS 427/43 new)

7 Sec. 43. Applicant convictions.

8 (a) The Department shall not require the applicant to
9 report the following information and shall not consider the
10 following criminal history records in connection with an
11 application for a license under this Act:

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

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

21 (3) Records of arrest not followed by a conviction
22 unless related to the practice of the profession. However,
23 applicants shall not be asked to report any arrests, and,
24 an arrest not followed by a conviction shall not be the

1 basis of a denial and may be used only to assess an
2 applicant's rehabilitation.

3 (4) Convictions overturned by a higher court.

4 (5) Convictions or arrests that have been sealed or
5 expunged.

6 (b) When determining whether to grant a license to an
7 applicant with a prior conviction of a felony or of a
8 misdemeanor directly related to the practice of the profession,
9 the Department shall consider any evidence of rehabilitation
10 and mitigating factors contained in the applicant's record,
11 including any of the following:

12 (1) the lack of direct relation of the offense for
13 which the applicant was previously convicted to the duties,
14 functions, and responsibilities of the position for which a
15 license is sought;

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

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

24 (4) the age of the person at the time of the criminal
25 offense;

26 (5) successful completion of sentence and, for

1 applicants serving a term of parole or probation, a
2 progress report provided by the applicant's probation or
3 parole officer that documents the applicant's compliance
4 with conditions of supervision;

5 (6) evidence of the applicant's present fitness and
6 professional 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 a 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 the
15 person's potential and current ability to perform the
16 duties and responsibilities of the position for which a
17 license or employment is sought.

18 (c) It is the affirmative obligation of the Department to
19 demonstrate that a prior conviction would impair the ability of
20 the applicant to engage in the practice requiring a license. If
21 the Department refuses to grant a license to an applicant, then
22 the Department shall notify the applicant of the denial in
23 writing with the following included in the notice of denial:

24 (1) a statement about the decision to refuse to issue a
25 license;

26 (2) a list of the convictions that formed the sole or

1 partial basis for the refusal to issue a license;

2 (3) a list of the mitigating evidence presented by the
3 applicant;

4 (4) reasons for refusing to issue a license specific to
5 the evidence presented in mitigation of conviction items
6 that formed the partial or sole basis for the Department's
7 decision; and

8 (5) a summary of the appeal process or the earliest the
9 applicant may reapply for a license, whichever is
10 applicable.

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

16 (1) the number of applicants for a new or renewal
17 license under this Act within the previous calendar year;

18 (2) the number of applicants for a new or renewal
19 license under this Act within the previous calendar year
20 who had any criminal conviction;

21 (3) the number of applicants for a new or renewal
22 license under this Act in the previous calendar year who
23 were granted a license;

24 (4) the number of applicants for a new or renewal
25 license with a criminal conviction who were granted a
26 license under this Act within the previous calendar year;

1 (5) the number of applicants for a new or renewal
2 license under this Act within the previous calendar year
3 who were denied a license;

4 (6) the number of applicants for a new or renewal
5 license with a criminal conviction who were denied a
6 license under this Act in the previous calendar year in
7 part or in whole because of a prior conviction;

8 (7) the number of probationary license without
9 monitoring issued under this Act in the previous calendar
10 year to applicants with criminal conviction; and

11 (8) the number of probationary licenses with
12 monitoring issued under this Act in the previous calendar
13 year to applicants with criminal conviction.

14 (225 ILCS 427/85)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 85. Grounds for discipline; refusal, revocation, or
17 suspension.

18 (a) The Department may refuse to issue or renew a license,
19 or may place on probation, reprimand, suspend, or revoke any
20 license, or take any other disciplinary or non-disciplinary
21 action as the Department may deem proper and impose a fine not
22 to exceed \$10,000 for each violation upon any licensee or
23 applicant under this Act or any person or entity who holds
24 himself, herself, or itself out as an applicant or licensee for
25 any one or combination of the following causes:

1 (1) Material misstatement in furnishing information to
2 the Department.

3 (2) Violations of this Act or its rules.

4 (3) For licensees, conviction ~~Conviction~~ of or entry of
5 a plea of guilty or plea of nolo contendere to a felony or
6 a misdemeanor under the laws of the United States, any
7 state, or any other jurisdiction or entry of an
8 administrative sanction by a government agency in this
9 State or any other jurisdiction. Action taken under this
10 paragraph (3) for a misdemeanor or an administrative
11 sanction is limited to a misdemeanor or administrative
12 sanction that has as an essential element dishonesty or
13 fraud, that involves larceny, embezzlement, or obtaining
14 money, property, or credit by false pretenses or by means
15 of a confidence game, or that is directly related to the
16 practice of the profession and, for applicants, provisions
17 set forth in Section 43 apply.

18 (4) Making any misrepresentation for the purpose of
19 obtaining a license or violating any provision of this Act
20 or its rules.

21 (5) Professional incompetence.

22 (6) Gross negligence.

23 (7) Aiding or assisting another person in violating any
24 provision of this Act or its rules.

25 (8) Failing, within 30 days, to provide information in
26 response to a request made by the Department.

1 (9) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud or harm the public as defined by the rules of the
4 Department, or violating the rules of professional conduct
5 adopted by the Department.

6 (10) Habitual or excessive use or addiction to alcohol,
7 narcotics, stimulants, or any other chemical agent or drug
8 that results in the inability to practice with reasonable
9 judgment, skill, or safety.

10 (11) Having been disciplined by another state, the
11 District of Columbia, a territory, a foreign nation, or a
12 governmental agency authorized to impose discipline if at
13 least one of the grounds for the discipline is the same or
14 substantially equivalent of one of the grounds for which a
15 licensee may be disciplined under this Act. A certified
16 copy of the record of the action by the other state or
17 jurisdiction shall be prima facie evidence thereof.

18 (12) Directly or indirectly giving to or receiving from
19 any person, firm, corporation, partnership or association
20 any fee, commission, rebate, or other form of compensation
21 for any professional services not actually or personally
22 rendered.

23 (13) A finding by the Department that the licensee,
24 after having his, her, or its license placed on
25 probationary status, has violated the terms of probation.

26 (14) Willfully making or filing false records or

1 reports relating to a licensee's practice, including but
2 not limited to false records filed with any State or
3 federal agencies or departments.

4 (15) Being named as a perpetrator in an indicated
5 report by the Department of Children and Family Services
6 under the Abused and Neglected Child Reporting Act and upon
7 proof by clear and convincing evidence that the licensee
8 has caused a child to be an abused child or neglected child
9 as defined in the Abused and Neglected Child Reporting Act.

10 (16) Physical illness or mental illness or impairment,
11 including, but not limited to, deterioration through the
12 aging process or loss of motor skill that results in the
13 inability to practice the profession with reasonable
14 judgment, skill, or safety.

15 (17) Solicitation of professional services by using
16 false or misleading advertising.

17 (18) A finding that licensure has been applied for or
18 obtained by fraudulent means.

19 (19) Practicing or attempting to practice under a name
20 other than the full name as shown on the license or any
21 other legally authorized name.

22 (20) Gross overcharging for professional services
23 including, but not limited to, (i) collection of fees or
24 moneys for services that are not rendered; and (ii)
25 charging for services that are not in accordance with the
26 contract between the licensee and the community

1 association.

2 (21) Improper commingling of personal and client funds
3 in violation of this Act or any rules promulgated thereto.

4 (22) Failing to account for or remit any moneys or
5 documents coming into the licensee's possession that
6 belong to another person or entity.

7 (23) Giving differential treatment to a person that is
8 to that person's detriment because of race, color, creed,
9 sex, religion, or national origin.

10 (24) Performing and charging for services without
11 reasonable authorization to do so from the person or entity
12 for whom service is being provided.

13 (25) Failing to make available to the Department, upon
14 request, any books, records, or forms required by this Act.

15 (26) Purporting to be a supervising community
16 association manager of a firm without active participation
17 in the firm.

18 (27) Failing to make available to the Department at the
19 time of the request any indicia of licensure or
20 registration issued under this Act.

21 (28) Failing to maintain and deposit funds belonging to
22 a community association in accordance with subsection (b)
23 of Section 55 of this Act.

24 (29) Violating the terms of a disciplinary order issued
25 by the Department.

26 (b) In accordance with subdivision (a)(5) of Section

1 2105-15 of the Department of Professional Regulation Law of the
2 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15),
3 the Department shall deny a license or renewal authorized by
4 this Act to a person who has defaulted on an educational loan
5 or scholarship provided or guaranteed by the Illinois Student
6 Assistance Commission or any governmental agency of this State.

7 (c) The determination by a circuit court that a licensee is
8 subject to involuntary admission or judicial admission, as
9 provided in the Mental Health and Developmental Disabilities
10 Code, operates as an automatic suspension. The suspension will
11 terminate only upon a finding by a court that the patient is no
12 longer subject to involuntary admission or judicial admission
13 and the issuance of an order so finding and discharging the
14 patient, and upon the recommendation of the Board to the
15 Secretary that the licensee be allowed to resume his or her
16 practice as a licensed community association manager.

17 (d) In accordance with subsection (g) of Section 2105-15 of
18 the Department of Professional Regulation Law of the Civil
19 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
20 Department may refuse to issue or renew or may suspend the
21 license of any person who fails to file a return, to pay the
22 tax, penalty, or interest shown in a filed return, or to pay
23 any final assessment of tax, penalty, or interest, as required
24 by any tax Act administered by the Department of Revenue, until
25 such time as the requirements of that tax Act are satisfied.

26 (e) In accordance with subdivision (a)(5) of Section

1 2105-15 of the Department of Professional Regulation Law of the
2 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
3 and in cases where the Department of Healthcare and Family
4 Services (formerly Department of Public Aid) has previously
5 determined that a licensee or a potential licensee is more than
6 30 days delinquent in the payment of child support and has
7 subsequently certified the delinquency to the Department may
8 refuse to issue or renew or may revoke or suspend that person's
9 license or may take other disciplinary action against that
10 person based solely upon the certification of delinquency made
11 by the Department of Healthcare and Family Services.

12 (f) In enforcing this Section, the Department or Board upon
13 a showing of a possible violation may compel a licensee or an
14 individual licensed to practice under this Act, or who has
15 applied for licensure under this Act, to submit to a mental or
16 physical examination, or both, as required by and at the
17 expense of the Department. The Department or Board may order
18 the examining physician to present testimony concerning the
19 mental or physical examination of the licensee or applicant. No
20 information shall be excluded by reason of any common law or
21 statutory privilege relating to communications between the
22 licensee or applicant and the examining physician. The
23 examining physicians shall be specifically designated by the
24 Board or Department. The individual to be examined may have, at
25 his or her own expense, another physician of his or her choice
26 present during all aspects of this examination. Failure of an

1 individual to submit to a mental or physical examination, when
2 directed, shall be grounds for suspension of his or her license
3 or denial of his or her application or renewal until the
4 individual submits to the examination if the Department finds,
5 after notice and hearing, that the refusal to submit to the
6 examination was without reasonable cause.

7 If the Department or Board finds an individual unable to
8 practice because of the reasons set forth in this Section, the
9 Department or Board may require that individual to submit to
10 care, counseling, or treatment by physicians approved or
11 designated by the Department or Board, as a condition, term, or
12 restriction for continued, reinstated, or renewed licensure to
13 practice; or, in lieu of care, counseling, or treatment, the
14 Department may file, or the Board may recommend to the
15 Department to file, a complaint to immediately suspend, revoke,
16 deny, or otherwise discipline the license of the individual. An
17 individual whose license was granted, continued, reinstated,
18 renewed, disciplined or supervised subject to such terms,
19 conditions, or restrictions, and who fails to comply with such
20 terms, conditions, or restrictions, shall be referred to the
21 Secretary for a determination as to whether the individual
22 shall have his or her license suspended immediately, pending a
23 hearing by the Department.

24 In instances in which the Secretary immediately suspends a
25 person's license under this Section, a hearing on that person's
26 license must be convened by the Department within 30 days after

1 the suspension and completed without appreciable delay. The
2 Department and Board shall have the authority to review the
3 subject individual's record of treatment and counseling
4 regarding the impairment to the extent permitted by applicable
5 federal statutes and regulations safeguarding the
6 confidentiality of medical records.

7 An individual licensed under this Act and affected under
8 this Section shall be afforded an opportunity to demonstrate to
9 the Department or Board that he or she can resume practice in
10 compliance with acceptable and prevailing standards under the
11 provisions of his or her license.

12 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
13 98-756, eff. 7-16-14.)

14 Section 110. The Interpreter for the Deaf Licensure Act of
15 2007 is amended by changing Sections 45 and 115 and by adding
16 Section 47 as follows:

17 (225 ILCS 443/45)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 45. Qualifications for licensure. A person shall be
20 qualified to be licensed as an interpreter for the deaf and the
21 Commission shall issue a license to an applicant who:

22 (1) has applied in writing on the prescribed forms and
23 paid the required fees;

24 (2) is of good moral character; in determining good

1 moral character, the Commission shall take into
2 consideration whether the applicant has engaged in conduct
3 or activities that would constitute grounds for discipline
4 under Section 115 of this Act, except consideration of
5 prior convictions shall be in accordance with Section 47 of
6 this Act;

7 (3) is an accepted certificate holder;

8 (4) has a high school diploma or equivalent; and

9 (5) has met any other requirements established by the
10 Commission by rule.

11 (Source: P.A. 95-617, eff. 9-12-07.)

12 (225 ILCS 443/47 new)

13 Sec. 47. Applicant convictions.

14 (a) The Commission shall not require applicants to report
15 the following information and shall not consider the following
16 criminal history records in connection with an application for
17 a license under this Act:

18 (1) Juvenile adjudications of delinquent minors as
19 defined in Section 5-105 of the Juvenile Court Act of 1987,
20 subject to the restrictions set forth in Section 5-130 of
21 the Juvenile Court Act of 1987.

22 (2) Law enforcement records, court records, and
23 conviction records of an individual who was 17 years old at
24 the time of the offense and before January 1, 2014, unless
25 the nature of the offense required the individual to be

1 tried as an adult.

2 (3) Records of arrest not followed by a conviction.

3 (4) Convictions overturned by a higher court.

4 (5) Convictions or arrests that have been sealed or
5 expunged.

6 (b) No application for any license under this Act shall be
7 denied by reason of a finding of lack of "good moral character"
8 when the finding is based upon the fact that the applicant has
9 previously been convicted of one or more criminal offenses.
10 When reviewing, for the purpose of determining moral character
11 or whether to grant a license, a conviction of a felony or a
12 misdemeanor, an essential element of which is dishonesty, or
13 that is directly related to the practice of interpreting, of an
14 applicant, the Commission shall consider any evidence of
15 rehabilitation and mitigating factors contained in the
16 applicant's record, including any of the following:

17 (1) the lack of direct relation of the offense for
18 which the applicant was previously convicted to the duties,
19 functions, and responsibilities of the position for which a
20 license is sought;

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

25 (3) if the applicant was previously licensed or
26 employed in this State or other state or jurisdictions,

1 then the lack of prior misconduct arising from or related
2 to the licensed position or position of employment;

3 (4) the age of the person at the time of the criminal
4 offense;

5 (5) successful completion of sentence and, for
6 applicants serving a term of parole or probation, a
7 progress report provided by the applicant's probation or
8 parole officer that documents the applicant's compliance
9 with conditions of supervision;

10 (6) evidence of the applicant's present fitness and
11 professional character;

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

19 (8) any other mitigating factors that contribute to the
20 person's potential and current ability to perform the
21 duties and responsibilities of the position for which a
22 license or employment is sought.

23 (c) It is the affirmative obligation of the Commission to
24 demonstrate that a prior conviction would impair the ability of
25 the applicant to engage in the licensed practice. If the
26 Commission refuses to issue a license to an applicant, then the

1 Commission shall notify the applicant of the denial in writing
2 with the following included in the notice of denial:

3 (1) a statement about the decision to refuse to issue a
4 license;

5 (2) a list of the conviction items that formed the sole
6 or partial basis for the refusal to issue a license;

7 (3) a list of the mitigating evidence presented by the
8 applicant;

9 (4) reasons for refusing to issue a license specific to
10 the evidence presented in mitigation of conviction items
11 that formed the partial or sole basis for the Commission's
12 decision; and

13 (5) a summary of the appeal process or the earliest the
14 applicant may reapply for a license, whichever is
15 applicable.

16 (d) No later than May 1 of each year, the Commission must
17 prepare, publicly announce, and publish a report of summary
18 statistical information relating to new and renewal license
19 applications during the preceding calendar year. Each report
20 shall show at minimum:

21 (1) the number of applicants for new or renewal license
22 under this Act within the previous calendar year;

23 (2) the number of applicants for new or renewal license
24 under this Act within the previous calendar year who had
25 any criminal conviction;

26 (3) the number of applicants for new or renewal license

1 under this Act in the previous calendar year who were
2 granted a license;

3 (4) the number of applicants for new or renewal license
4 with a criminal conviction who were granted a license under
5 this Act within the previous calendar year;

6 (5) the number of applicants for new or renewal license
7 under this Act within the previous calendar year who were
8 denied a license;

9 (6) the number of applicants for new or renewal license
10 with a criminal conviction who were denied a license under
11 this Act in the previous calendar year in whole or in part
12 because of a prior conviction;

13 (7) the number of probationary licenses without
14 monitoring issued under this Act in the previous calendar
15 year to applicants with criminal conviction; and

16 (8) the number of probationary licenses with
17 monitoring issued under this Act in the previous calendar
18 year to applicants with criminal conviction;

19 (225 ILCS 443/115)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 115. Grounds for disciplinary action.

22 (a) The Commission may refuse to issue or renew any license
23 and the Department may suspend or revoke any license or may
24 place on probation, censure, reprimand, or take other
25 disciplinary action deemed appropriate by the Department,

1 including the imposition of fines not to exceed \$2,500 for each
2 violation, with regard to any license issued under this Act for
3 any one or more of the following reasons:

4 (1) Material deception in furnishing information to
5 the Commission or the Department.

6 (2) Violations or negligent or intentional disregard
7 of any provision of this Act or its rules.

8 (3) For licensees, conviction ~~Conviction~~ of any crime
9 under the laws of any jurisdiction of the United States
10 that is a felony or a misdemeanor, an essential element of
11 which is dishonesty, or that is directly related to the
12 practice of interpreting. For applicants, provisions set
13 forth in Section 47 apply.

14 (4) A pattern of practice or other behavior that
15 demonstrates incapacity or incompetence to practice under
16 this Act.

17 (5) Knowingly aiding or assisting another person in
18 violating any provision of this Act or rules adopted
19 thereunder.

20 (6) Failing, within 60 days, to provide a response to a
21 request for information in response to a written request
22 made by the Commission or the Department by certified mail.

23 (7) Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (8) Habitual use of or addiction to alcohol, narcotics,

1 stimulants, or any other chemical agent or drug that
2 results in a licensee's inability to practice with
3 reasonable judgment, skill, or safety.

4 (9) Discipline by another jurisdiction or foreign
5 nation, if at least one of the grounds for the discipline
6 is the same or substantially equivalent to those set forth
7 in this Section.

8 (10) A finding that the licensee, after having his or
9 her license placed on probationary status, has violated the
10 terms of probation.

11 (11) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act and upon
14 proof by clear and convincing evidence that the licensee
15 has caused a child to be an abused child or a neglected
16 child, as defined in the Abused and Neglected Child
17 Reporting Act.

18 (12) Gross negligence in the practice of interpreting.

19 (13) Holding oneself out to be a practicing interpreter
20 for the deaf under any name other than one's own.

21 (14) Knowingly allowing another person or organization
22 to use the licensee's license to deceive the public.

23 (15) Attempting to subvert or cheat on an
24 interpreter-related examination or evaluation.

25 (16) Immoral conduct in the commission of an act, such
26 as sexual abuse, sexual misconduct, or sexual

1 exploitation, related to the licensee's practice.

2 (17) Willfully violating State or federal
3 confidentiality laws or the confidentiality between an
4 interpreter and client, except as required by State or
5 federal law.

6 (18) Practicing or attempting to practice interpreting
7 under a name other than one's own.

8 (19) The use of any false, fraudulent, or deceptive
9 statement in any document connected with the licensee's
10 practice.

11 (20) Failure of a licensee to report to the Commission
12 any adverse final action taken against him or her by
13 another licensing jurisdiction, any peer review body, any
14 professional deaf or hard of hearing interpreting
15 association, any governmental Commission, by law
16 enforcement Commission, or any court for a deaf or hard of
17 hearing interpreting liability claim related to acts or
18 conduct similar to acts or conduct that would constitute
19 grounds for action as provided in this Section.

20 (21) Failure of a licensee to report to the Commission
21 surrender by the licensee of his or her license or
22 authorization to practice interpreting in another state or
23 jurisdiction or current surrender by the licensee of
24 membership in any deaf or hard of hearing interpreting
25 association or society while under disciplinary
26 investigation by any of those authorities or bodies for

1 acts or conduct similar to acts or conduct that would
2 constitute grounds for action as provided by this Section.

3 (22) Physical illness or injury including, but not
4 limited to, deterioration through the aging process or loss
5 of motor skill, mental illness, or disability that results
6 in the inability to practice the profession with reasonable
7 judgment, skill, or safety.

8 (23) Gross and willful overcharging for interpreter
9 services, including filing false statements for collection
10 of fees for which services have not been rendered.

11 (b) The Commission may refuse to issue or the Department
12 may suspend the license of any person who fails to file a
13 return, to pay the tax, penalty, or interest shown in a filed
14 return, or to pay any final assessment of the tax, penalty, or
15 interest as required by any tax Act administered by the
16 Illinois Department of Revenue, until such time as the
17 requirements of any such tax Act are satisfied.

18 (c) In enforcing this Section, the Commission, upon a
19 showing of a possible violation, may compel an individual
20 licensed under this Act, or who has applied for licensure under
21 this Act, to submit to a mental or physical examination, or
22 both, as required by and at the expense of the Commission. The
23 Commission may order the examining physician to present
24 testimony concerning the mental or physical examination of the
25 licensee or applicant. No information shall be excluded by
26 reason of any common law or statutory privilege relating to

1 communications between the licensee or applicant and the
2 examining physician. The Commission shall specifically
3 designate the examining physicians. The individual to be
4 examined may have, at his or her own expense, another physician
5 of his or her choice present during all aspects of this
6 examination. Failure of an individual to submit to a mental or
7 physical examination, when directed, shall be grounds for
8 suspension of his or her license until the individual submits
9 to the examination if the Commission finds, after notice and
10 hearing, that the refusal to submit to the examination was
11 without reasonable cause.

12 If the Commission finds an individual unable to practice
13 because of the reasons set forth in this subsection (c), the
14 Commission may require that individual to submit to care,
15 counseling, or treatment by physicians approved or designated
16 by the Commission as a condition, term, or restriction for
17 continued, reinstated, or renewed licensure to practice or, in
18 lieu of care, counseling, or treatment, the Commission may file
19 a complaint to immediately suspend, revoke, or otherwise
20 discipline the license of the individual. An individual whose
21 license was granted, continued, reinstated, renewed,
22 disciplined, or supervised subject to such terms, conditions,
23 or restrictions and who fails to comply with such terms,
24 conditions, or restrictions, shall be referred to the Director
25 for a determination as to whether the individual shall have his
26 or her license suspended immediately, pending a hearing by the

1 Department.

2 In instances in which the Director immediately suspends a
3 person's license under this subsection (c), a hearing on that
4 person's license must be convened by the Department within 15
5 days after the suspension and completed without appreciable
6 delay. The Commission or the Department shall have the
7 authority to review the subject individual's record of
8 treatment and counseling regarding the impairment to the extent
9 permitted by applicable State and federal statutes and
10 regulations safeguarding the confidentiality of medical
11 records.

12 An individual licensed under this Act and affected under
13 this subsection (c) shall be afforded an opportunity to
14 demonstrate to the Commission that he or she can resume
15 practice in compliance with acceptable and prevailing
16 standards under the provisions of his or her license.

17 (Source: P.A. 95-617, eff. 9-12-07.)

18 Section 120. The Animal Welfare Act is amended by changing
19 Section 10 and by adding Section 4 as follows:

20 (225 ILCS 605/4 new)

21 Sec. 4. Applicant convictions.

22 (a) The Department shall not require applicants to report
23 the following information and shall not consider the following
24 in connection with an application for a license under this Act:

1 (1) Juvenile adjudications of delinquent minors as
2 defined in Section 5-105 of the Juvenile Court Act of 1987,
3 subject to the restrictions set forth in Section 5-130 of
4 the Juvenile Court Act of 1987.

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

10 (3) Records of arrest not followed by a conviction.

11 (4) Convictions overturned by a higher court.

12 (5) Convictions or arrests that have been sealed or
13 expunged.

14 (b) When determining whether to grant a license to an
15 applicant with a prior conviction of a felony or of a
16 misdemeanor directly related to the practice of the profession,
17 the Department shall consider any evidence of rehabilitation
18 and mitigating factors contained in the applicant's record,
19 including any of the following:

20 (1) the lack of direct relation of the offense for
21 which the applicant was previously convicted to the duties,
22 functions, and responsibilities of the position for which a
23 license is sought;

24 (2) whether 5 years since a felony conviction or 3
25 years since release from confinement for the conviction,
26 whichever is later, have passed without a subsequent

1 conviction;

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

6 (4) the age of the person at the time of the criminal
7 offense;

8 (5) successful completion of sentence and, for
9 applicants serving a term of parole or probation, a
10 progress report provided by the applicant's probation or
11 parole officer that documents the applicant's compliance
12 with conditions of supervision;

13 (6) evidence of the applicant's present fitness and
14 professional character;

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

22 (8) any other mitigating factors that contribute to the
23 person's potential and current ability to perform the
24 duties and responsibilities of the position for which a
25 license or employment is sought.

26 (c) It is the affirmative obligation of the Department to

1 demonstrate that a prior conviction would impair the ability of
2 the applicant to engage in the practice requiring a license. If
3 the Department refuses to grant a license to an applicant, then
4 the Department shall notify the applicant of the denial in
5 writing with the following included in the notice of denial:

6 (1) a statement about the decision to refuse to issue a
7 license;

8 (2) a list of the convictions that formed the sole or
9 partial basis for the refusal to issue a license;

10 (3) a list of the mitigating evidence presented by the
11 applicant;

12 (4) reasons for refusing to issue a license specific to
13 the evidence presented in mitigation of conviction items
14 that formed the partial or sole basis for the Department's
15 decision; and

16 (5) a summary of the appeal process or the earliest the
17 applicant may reapply for a license, whichever is
18 applicable.

19 (d) No later than May 1 of each year, the Department must
20 prepare, publicly announce, and publish a report of summary
21 statistical information relating to new and renewal license
22 applications during the preceding calendar year. Each report
23 shall show at minimum:

24 (1) the number of applicants for a license under this
25 Act within the previous calendar year;

26 (2) the number of applicants for a license under this

1 Act within the previous calendar year who had any criminal
2 conviction;

3 (3) the number of applicants for a license under this
4 Act in the previous calendar year who were granted a
5 license;

6 (4) the number of applicants with a criminal conviction
7 who were granted a license under this Act within the
8 previous calendar year;

9 (5) the number of applicants for a license under this
10 Act within the previous calendar year who were denied a
11 license;

12 (6) the number of applicants with a criminal conviction
13 who were denied a license under this Act in the previous
14 calendar year in whole or in part because of a prior
15 conviction;

16 (7) the number of probationary licenses without
17 monitoring issued under this Act in the previous calendar
18 year to applicants with convictions; and

19 (8) the number of probationary licenses with
20 monitoring issued under this Act in the previous calendar
21 year to applicants with convictions.

22 (225 ILCS 605/10) (from Ch. 8, par. 310)

23 Sec. 10. Grounds for discipline. The Department may refuse
24 to issue or renew or may suspend or revoke a license on any one
25 or more of the following grounds:

1 a. Material misstatement in the application for
2 original license or in the application for any renewal
3 license under this Act;

4 b. A violation of this Act or of any regulations or
5 rules issued pursuant thereto;

6 c. Aiding or abetting another in the violation of this
7 Act or of any regulation or rule issued pursuant thereto;

8 d. Allowing one's license under this Act to be used by
9 an unlicensed person;

10 e. For licensees, conviction ~~Conviction~~ of any crime an
11 essential element of which is misstatement, fraud or
12 dishonesty or conviction of any felony, if the Department
13 determines, after investigation, that such person has not
14 been sufficiently rehabilitated to warrant the public
15 trust and, for applicants, provisions set forth in Section
16 4 of this Act apply;

17 f. Conviction of a violation of any law of Illinois
18 except minor violations such as traffic violations and
19 violations not related to the disposition of dogs, cats and
20 other animals or any rule or regulation of the Department
21 relating to dogs or cats and sale thereof;

22 g. Making substantial misrepresentations or false
23 promises of a character likely to influence, persuade or
24 induce in connection with the business of a licensee under
25 this Act;

26 h. Pursuing a continued course of misrepresentation of

1 or making false promises through advertising, salesman,
2 agents or otherwise in connection with the business of a
3 licensee under this Act;

4 i. Failure to possess the necessary qualifications or
5 to meet the requirements of the Act for the issuance or
6 holding a license; or

7 j. Proof that the licensee is guilty of gross
8 negligence, incompetency, or cruelty with regard to
9 animals.

10 The Department may refuse to issue or may suspend the
11 license of any person who fails to file a return, or to pay the
12 tax, penalty or interest shown in a filed return, or to pay any
13 final assessment of tax, penalty or interest, as required by
14 any tax Act administered by the Illinois Department of Revenue,
15 until such time as the requirements of any such tax Act are
16 satisfied.

17 The Department may order any licensee to cease operation
18 for a period not to exceed 72 hours to correct deficiencies in
19 order to meet licensing requirements.

20 If the Department revokes a license under this Act at an
21 administrative hearing, the licensee and any individuals
22 associated with that license shall be prohibited from applying
23 for or obtaining a license under this Act for a minimum of 3
24 years.

25 (Source: P.A. 99-310, eff. 1-1-16.)

1 Section 125. The Illinois Feeder Swine Dealer Licensing Act
2 is amended by changing Section 9 and by adding Section 9.3 as
3 follows:

4 (225 ILCS 620/9) (from Ch. 111, par. 209)

5 Sec. 9. Grounds for refusal to issue or renew license and
6 for license suspension and revocation. The Department may
7 refuse to issue or renew or may suspend or revoke a license on
8 any one or more of the following grounds:

9 a. Material misstatement in the application for original
10 license or in the application for any renewal license under
11 this Act;

12 b. Disregard or violation of this Act, any other Act
13 relative to the purchase and sale of livestock or any
14 regulation or rule issued pursuant thereto;

15 c. Aiding or abetting another in the violation of this Act
16 or of any regulation or rule issued pursuant thereto;

17 d. Allowing one's license under this Act to be used by an
18 unlicensed person;

19 e. For licensees, conviction ~~Conviction~~ of any crime an
20 essential element of which is misstatement, fraud or dishonesty
21 or conviction of any felony, if the Department determines,
22 after investigation, that such person has not been sufficiently
23 rehabilitated to warrant the public trust and, for applicants,
24 provisions set forth in Section 9.3 apply;

25 f. Conviction of a violation of any law of Illinois or any

1 rule or regulation of the Department relating to feeder swine;

2 g. Making substantial misrepresentations or false promises
3 of a character likely to influence, persuade or induce in
4 connection with the livestock industry;

5 h. Pursuing a continued course of misrepresentation of or
6 making false promises through advertising, salesmen, agents or
7 otherwise in connection with the livestock industry;

8 i. Failure to possess the necessary qualifications or to
9 meet the requirements of this Act for the issuance or holding
10 of a license;

11 j. Operating without the bond or trust fund agreement
12 required by this Act; or

13 k. Failing to file a return, or to pay the tax, penalty or
14 interest shown in a filed return, or to pay any final
15 assessment of tax, penalty or interest, as required by any tax
16 Act administered by the Illinois Department of Revenue.

17 (Source: P.A. 89-154, eff. 7-19-95.)

18 (225 ILCS 620/9.3 new)

19 Sec. 9.3. Applicant convictions.

20 (a) The Department shall not require applicants to report
21 the following information and shall not consider the following
22 criminal history records in connection with an application for
23 a license under this Act:

24 (1) Juvenile adjudications of delinquent minors as
25 defined in Section 5-105 of the Juvenile Court Act of 1987,

1 subject to the restrictions set forth in Section 5-130 of
2 the Juvenile Court Act of 1987.

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

8 (3) Records of arrest not followed by a conviction.

9 (4) Convictions overturned by a higher court.

10 (5) Convictions or arrests that have been sealed or
11 expunged.

12 (b) When reviewing, for the purpose of licensure, a
13 conviction of any misdemeanor directly related to the practice
14 of the profession or of any felony of the applicant, the
15 Department shall consider any evidence of rehabilitation and
16 mitigating factors contained in the applicant's record,
17 including any of the following:

18 (1) the lack of direct relation of the offense for
19 which the applicant was previously convicted to the duties,
20 functions, and responsibilities of the position for which a
21 license is sought;

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

26 (3) if the applicant was previously licensed or

1 employed in this State or other state or jurisdictions,
2 then the lack of prior misconduct arising from or related
3 to the licensed position or position of employment;

4 (4) the age of the person at the time of the criminal
5 offense;

6 (5) successful completion of sentence and, for
7 applicants serving a term of parole or probation, a
8 progress report provided by the applicant's probation or
9 parole officer that documents the applicant's compliance
10 with conditions of supervision;

11 (6) evidence of the applicant's present fitness and
12 professional character;

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

20 (8) any other mitigating factors that contribute to the
21 person's potential and current ability to perform the
22 duties and responsibilities of the position for which a
23 license or employment is sought.

24 (c) It is the affirmative obligation of the Department to
25 demonstrate that a prior conviction would impair the ability of
26 the applicant to engage in the licensed practice. If the

1 Department refuses to issue a license to an applicant, then the
2 applicant shall be notified of the denial in writing with the
3 following included in the notice of denial:

4 (1) a statement about the decision to refuse to issue a
5 license;

6 (2) a list of the convictions that formed the sole or
7 partial basis for the refusal to issue a license;

8 (3) a list of the mitigating evidence presented by the
9 applicant;

10 (4) reasons for refusing to issue a license specific to
11 the evidence presented in mitigation of conviction items
12 that formed the partial or sole basis for the Department's
13 decision; and

14 (5) a summary of the appeal process or the earliest the
15 applicant may reapply for a license, whichever is
16 applicable.

17 (d) No later than May 1 of each year, the Department must
18 prepare, publicly announce, and publish a report of summary
19 statistical information relating to new and renewal license
20 applications during the preceding calendar year. Each report
21 shall show at minimum:

22 (1) the number of applicants for a license under this
23 Act within the previous calendar year;

24 (2) the number of applicants for a license under this
25 Act within the previous calendar year who had any criminal
26 conviction;

1 (3) the number of applicants for a license under this
2 Act in the previous calendar year who were granted a
3 license;

4 (4) the number of applicants with a criminal conviction
5 who were granted a license under this Act within the
6 previous calendar year;

7 (5) the number of applicants for a license under this
8 Act within the previous calendar year who were denied a
9 license;

10 (6) the number of applicants with a criminal conviction
11 who were denied a license under this Act in the previous
12 calendar year in whole or in part because of a prior
13 conviction;

14 (7) the number of probationary licenses without
15 monitoring issued under this Act in the previous calendar
16 year to applicants with convictions; and

17 (8) the number of probationary licenses with
18 monitoring issued under this Act in the previous calendar
19 year to applicants with convictions.

20 Section 130. The Illinois Horse Meat Act is amended by
21 changing Section 3.2 and by adding Section 3.3 as follows:

22 (225 ILCS 635/3.2) (from Ch. 56 1/2, par. 242.2)

23 Sec. 3.2. The following persons are ineligible for
24 licenses:

1 a. A person who is not a resident of the city, village or
2 county in which the premises covered by the license are
3 located; except in case of railroad or boat licenses.

4 b. A person who is not of good character and reputation in
5 the community in which he resides.

6 c. A person who is not a citizen of the United States.

7 d. A person with a prior conviction ~~who has been convicted~~
8 of a felony or a misdemeanor that is directly related to the
9 practice of the profession who has not been sufficiently
10 rehabilitated following the conviction to receive a license.

11 e. (Blank). ~~A person who has been convicted of a crime or~~
12 ~~misdemeanor opposed to decency and morality.~~

13 f. A person whose license issued under this Act has been
14 revoked for cause.

15 g. A person who at the time of application for renewal of
16 any license issued hereunder would not be eligible for such
17 license upon a first application.

18 h. A co-partnership, unless all of the members of such
19 co-partnership shall be qualified to obtain a license.

20 i. A corporation, if any officer, manager or director
21 thereof or any stockholder or stockholders owning in the
22 aggregate more than five percent (5%) of the stock of such
23 corporation, would not be eligible to receive a license
24 hereunder for any reason other than citizenship and residence
25 within the political subdivision.

26 j. A person whose place of business is conducted by a

1 manager or agent unless said manager or agent possesses the
2 same qualifications required of the licensee.

3 (Source: Laws 1955, p. 388.)

4 (225 ILCS 635/3.3 new)

5 Sec. 3.3. Applicant convictions.

6 (a) Information about the following shall not be requested,
7 inquired into or considered in connection with an application
8 for a license under this Act:

9 (1) Juvenile adjudications of delinquent minors as
10 defined in Section 5-105 of the Juvenile Court Act of 1987,
11 subject to the restrictions set forth in Section 5-130 of
12 the Juvenile Court Act of 1987.

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

18 (3) Records of arrest not followed by a conviction.

19 (4) Convictions overturned by a higher court.

20 (5) Convictions or arrests that have been sealed or
21 expunged.

22 (b) No application for any license under this Act shall be
23 denied by reason of a finding of lack of moral character when
24 the finding is based upon the fact that the applicant has
25 previously been convicted of one or more criminal offenses.

1 (c) When determining whether to grant a license to an
2 applicant with a prior conviction of a felony or of a
3 misdemeanor directly related to the practice of the profession,
4 the Department shall consider any evidence of rehabilitation
5 and mitigating factors contained in the applicant's record
6 including any of the following:

7 (1) the lack of direct relation of the offense for
8 which the applicant was previously convicted to the duties,
9 functions, and responsibilities of the position for which a
10 license is sought;

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

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

19 (4) the age of the person at the time of the criminal
20 offense;

21 (5) successful completion of sentence and, for
22 applicants serving a term of parole or probation, a
23 progress report provided by the applicant's probation or
24 parole officer that documents the applicant's compliance
25 with conditions of supervision;

26 (6) evidence of the applicant's present fitness and

1 professional character;

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

9 (8) any other mitigating factors that contribute to the
10 person's potential and current ability to perform the
11 duties and responsibilities of the position for which a
12 license or employment is sought.

13 (d) It is the affirmative obligation of the Department and
14 Director to demonstrate that a prior conviction would impair
15 the ability of the applicant to engage in the licensed
16 practice. If the Department refuses to issue a license to an
17 applicant, then the applicant shall be notified of the denial
18 in writing with the following included in the notice of denial:

19 (1) a statement about the decision to refuse to issue a
20 license;

21 (2) a list of the convictions that formed the sole or
22 partial basis for the refusal to issue a license;

23 (3) a list of the mitigating evidence presented by the
24 applicant;

25 (4) reasons for refusing to issue a license specific to
26 the evidence presented in mitigation of conviction items

1 that formed the partial or sole basis for the Department's
2 decision; and

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

6 (e) No later than May 1 of each year, the Department must
7 prepare, publicly announce, and publish a report of summary
8 statistical information relating to new and renewal license
9 applications during the preceding calendar year. Each report
10 shall show at minimum:

11 (1) the number of applicants for a license under this
12 Act within the previous calendar year;

13 (2) the number of applicants for a license under this
14 Act within the previous calendar year who had any criminal
15 conviction;

16 (3) the number of applicants for a license under this
17 Act in the previous calendar year who were granted a
18 license;

19 (4) the number of applicants with a criminal conviction
20 who were granted a license under this Act within the
21 previous calendar year;

22 (5) the number of applicants for a license under this
23 Act within the previous calendar year who were denied a
24 license;

25 (6) the number of applicants with a criminal conviction
26 who were denied a license under this Act in the previous

1 calendar year in whole or in part because of a prior
2 conviction;

3 (7) the number of probationary licenses without
4 monitoring issued under this Act in the previous calendar
5 year to applicants with criminal conviction; and the number
6 of probationary licenses with monitoring issued under this
7 Act in the previous calendar year to applicants with
8 criminal conviction.

9 Section 135. The Illinois Livestock Dealer Licensing Act is
10 amended by changing Section 9 and by adding Section 9.4 as
11 follows:

12 (225 ILCS 645/9) (from Ch. 111, par. 409)

13 Sec. 9. The Department may refuse to issue or renew or may
14 suspend or revoke a license on any of the following grounds:

15 a. Material misstatement in the application for
16 original license or in the application for any renewal
17 license under this Act;

18 b. Wilful disregard or violation of this Act, or of any
19 other Act relative to the purchase and sale of livestock,
20 feeder swine or horses, or of any regulation or rule issued
21 pursuant thereto;

22 c. Wilfully aiding or abetting another in the violation
23 of this Act or of any regulation or rule issued pursuant
24 thereto;

1 d. Allowing one's license under this Act to be used by
2 an unlicensed person;

3 e. For licensees, conviction ~~Conviction~~ of any felony,
4 if the Department determines, after investigation, that
5 such person has not been sufficiently rehabilitated to
6 warrant the public trust and, for applicants, provisions
7 set forth in Section 9.4 apply;

8 f. For licensees, conviction ~~Conviction~~ of any crime an
9 essential element of which is misstatement, fraud or
10 dishonesty and, for applicants provisions set forth in
11 Section 9.4 apply;

12 g. Conviction of a violation of any law in Illinois or
13 any Departmental rule or regulation relating to livestock;

14 h. Making substantial misrepresentations or false
15 promises of a character likely to influence, persuade or
16 induce in connection with the livestock industry;

17 i. Pursuing a continued course of misrepresentation of
18 or making false promises through advertising, salesmen,
19 agents or otherwise in connection with the livestock
20 industry;

21 j. Failure to possess the necessary qualifications or
22 to meet the requirements of this Act for the issuance or
23 holding a license;

24 k. Failure to pay for livestock after purchase;

25 l. Issuance of checks for payment of livestock when
26 funds are insufficient;

1 m. Determination by a Department audit that the
2 licensee or applicant is insolvent;

3 n. Operating without adequate bond coverage or its
4 equivalent required for licensees;

5 o. Failing to remit the assessment required in Section
6 9 of the Beef Market Development Act upon written complaint
7 of the Checkoff Division of the Illinois Beef Association
8 Board of Governors.

9 The Department may refuse to issue or may suspend the
10 license of any person who fails to file a return, or to pay the
11 tax, penalty or interest shown in a filed return, or to pay any
12 final assessment of tax, penalty or interest, as required by
13 any tax Act administered by the Illinois Department of Revenue,
14 until such time as the requirements of any such tax Act are
15 satisfied.

16 (Source: P.A. 99-389, eff. 8-18-15; 99-642, eff. 7-28-16.)

17 (225 ILCS 645/9.4 new)

18 Sec. 9.4. Applicant convictions.

19 (a) The Department shall not require applicants to report
20 the following information and shall not consider the following
21 criminal history records in connection with an application for
22 a license under this Act:

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

1 the Juvenile Court Act of 1987.

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

7 (3) Records of arrest not followed by a conviction.

8 (4) Convictions overturned by a higher court.

9 (5) Convictions or arrests that have been sealed or
10 expunged.

11 (b) When reviewing, for the purpose of licensure, a
12 conviction of any misdemeanor directly related to the practice
13 of the profession or of any felony of the applicant, the
14 Department shall consider any evidence of rehabilitation and
15 mitigating factors contained in the applicant's record,
16 including any of the following:

17 (1) the lack of direct relation of the offense for
18 which the applicant was previously convicted to the duties,
19 functions, and responsibilities of the position for which a
20 license is sought;

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

25 (3) if the applicant was previously licensed or
26 employed in this State or other state or jurisdictions,

1 then the lack of prior misconduct arising from or related
2 to the licensed position or position of employment;

3 (4) the age of the person at the time of the criminal
4 offense;

5 (5) successful completion of sentence and, for
6 applicants serving a term of parole or probation, a
7 progress report provided by the applicant's probation or
8 parole officer that documents the applicant's compliance
9 with conditions of supervision;

10 (6) evidence of the applicant's present fitness and
11 professional character;

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

19 (8) any other mitigating factors that contribute to the
20 person's potential and current ability to perform the
21 duties and responsibilities of the position for which a
22 license or employment is sought.

23 (c) It is the affirmative obligation of the Department to
24 demonstrate that a prior conviction would impair the ability of
25 the applicant to engage in the licensed practice. If the
26 Department refuses to issue a license to an applicant, then the

1 applicant shall be notified of the denial in writing with the
2 following included in the notice of denial:

3 (1) a statement about the decision to refuse to issue a
4 license;

5 (2) a list of the convictions that formed the sole or
6 partial basis for the refusal to issue a license;

7 (3) a list of the mitigating evidence presented by the
8 applicant;

9 (4) reasons for refusing to issue a license specific to
10 the evidence presented in mitigation of conviction items
11 that formed the partial or sole basis for the Department's
12 decision; and

13 (5) a summary of the appeal process or the earliest the
14 applicant may reapply for a license, whichever is
15 applicable.

16 (d) No later than May 1 of each year, the Department must
17 prepare, publicly announce, and publish a report of summary
18 statistical information relating to new and renewal license
19 applications during the preceding calendar year. Each report
20 shall show at minimum:

21 (1) the number of applicants for new or renewal license
22 under this Act within the previous calendar year;

23 (2) the number of applicants for new or renewal license
24 under this Act within the previous calendar year who had
25 any criminal conviction;

26 (3) the number of applicants for new or renewal license

1 under this Act in the previous calendar year who were
2 granted a license;

3 (4) the number of applicants for new or renewal license
4 with a criminal conviction who were granted a license under
5 this Act within the previous calendar year;

6 (5) the number of applicants for new or renewal license
7 under this Act within the previous calendar year who were
8 denied a license;

9 (6) the number of applicants for new or renewal license
10 with a criminal conviction who were denied a license under
11 this Act in the previous calendar year in whole or in part
12 because of a prior conviction;

13 (7) the number of probationary licenses without
14 monitoring issued under this Act in the previous calendar
15 year to applicants with criminal conviction; and

16 (8) the number of probationary licenses with
17 monitoring issued under this Act in the previous calendar
18 year to applicants with criminal conviction.

19 Section 140. The Slaughter Livestock Buyers Act is amended
20 by changing Section 7 and by adding Section 7.1 as follows:

21 (225 ILCS 655/7) (from Ch. 111, par. 508)

22 Sec. 7. The Department may refuse to issue or may suspend
23 or revoke a certificate of registration on any of the following
24 grounds:

1 a. Material misstatement in the application for original
2 registration;

3 b. Wilful disregard or violation of this Act or of any
4 regulation or rule issued pursuant thereto;

5 c. Wilfully aiding or abetting another in the violation of
6 this Act or of any regulation or rule issued pursuant thereto;

7 d. For the certified, conviction ~~Conviction~~ of any felony,
8 if the Department determines, after investigation, that such
9 person has not been sufficiently rehabilitated to warrant the
10 public trust and, for applicants for a certificate of
11 registration or license, provisions set forth in Section 7.1
12 apply;

13 e. For the certified, conviction ~~Conviction~~ of any crime an
14 essential element of which is misstatement, fraud or dishonesty
15 and, for applicants for a certificate of registration or
16 license, provisions set forth in Section 7.1 apply;

17 f. Conviction of a violation of any law of Illinois
18 relating to the purchase of livestock or any Departmental rule
19 or regulation pertaining thereto;

20 g. Making substantial misrepresentations or false promises
21 of a character likely to influence, persuade or induce in
22 connection with the business conducted under this Act;

23 h. Pursuing a continued course of misrepresentation of or
24 making false promises through advertising, salesman, agent or
25 otherwise in connection with the business conducted under this
26 Act;

1 i. Failure to possess the necessary qualifications or to
2 meet the requirements of this Act;

3 j. Failure to pay for livestock within 24 hours after
4 purchase, except as otherwise provided in Section 16;

5 k. If Department audit determines the registrant to be
6 insolvent; or

7 l. Issuance of checks for payment of livestock when funds
8 are insufficient.

9 (Source: P.A. 80-915.)

10 (225 ILCS 655/7.1 new)

11 Sec. 7.1. Applicant convictions.

12 (a) The Department shall not require applicants to report
13 the following information and shall not consider the following
14 criminal history records in connection with an application for
15 a certificate of registration or license under this Act:

16 (1) Juvenile adjudications of delinquent minors as
17 defined in Section 5-105 of the Juvenile Court Act of 1987,
18 subject to the restrictions set forth in Section 5-130 of
19 the Juvenile Court Act of 1987.

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

25 (3) Records of arrest not followed by a conviction.

1 (4) Convictions overturned by a higher court.

2 (5) Convictions or arrests that have been sealed or
3 expunged.

4 (b) When reviewing, for the purpose of licensure or
5 granting a certificate of registration, a conviction of any
6 misdemeanor directly related to the practice of the profession
7 or of any felony of the applicant, the Department shall
8 consider any evidence of rehabilitation and mitigating factors
9 contained in the applicant's record, including any of the
10 following:

11 (1) the lack of direct relation of the offense for
12 which the applicant was previously convicted to the duties,
13 functions, and responsibilities of the position for which a
14 license is sought;

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

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

23 (4) the age of the person at the time of the criminal
24 offense;

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 character;

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

13 (8) any other mitigating factors that contribute to the
14 person's potential and current ability to perform the
15 duties and responsibilities of the position for which a
16 license or employment is sought.

17 (c) It is the affirmative obligation of the Department to
18 demonstrate that a prior conviction would impair the ability of
19 the applicant to engage in the licensed or registered practice.
20 If the Department refuses to issue a certificate of
21 registration or license to an applicant, then the applicant
22 shall be notified of the denial in writing with the following
23 included in the notice of denial:

24 (1) a statement about the decision to refuse to issue a
25 certificate of registration or a license;

26 (2) a list of the convictions that formed the sole or

1 partial basis for the refusal to issue a certificate of
2 registration or a license;

3 (3) a list of the mitigating evidence presented by the
4 applicant;

5 (4) reasons for refusing to issue a license or
6 certificate of registration specific to the evidence
7 presented in mitigation of conviction items that formed the
8 partial or sole basis for the Department's decision; and

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

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

17 (1) the number of applicants for a license or
18 certificate of registration under this Act within the
19 previous calendar year;

20 (2) the number of applicants for a license or
21 certificate of registration under this Act within the
22 previous calendar year who had any criminal conviction;

23 (3) the number of applicants for a license or
24 certificate of registration under this Act in the previous
25 calendar year who were granted a license;

26 (4) the number of applicants with a criminal conviction

1 who were granted a license or certificate of registration
2 under this Act within the previous calendar year;

3 (5) the number of applicants for a license under this
4 Act within the previous calendar year who were denied a
5 license or a certificate of registration;

6 (6) the number of applicants with a criminal conviction
7 who were denied a license or certificate of registration
8 under this Act in the previous calendar year in whole or in
9 part because of a prior conviction;

10 (7) the number of probationary license or certificate
11 of registration without monitoring issued under this Act in
12 the previous calendar year to applicants with convictions;
13 and

14 (8) the number of probationary license or certificate
15 of registration with monitoring issued under this Act in
16 the previous calendar year to applicants with convictions.

17 Section 145. The Professional Geologist Licensing Act is
18 amended by changing Section 80 and adding Section 77 as
19 follows:

20 (225 ILCS 745/77 new)

21 Sec. 77. Applicant convictions.

22 (a) The Department shall not require the applicant to
23 report information about the following, and shall not consider
24 the following criminal history records in connection with an

1 application for a license under this Act:

2 (1) Juvenile adjudications of delinquent minors as
3 defined in Section 5-105 of the Juvenile Court Act of 1987,
4 subject to the restrictions set forth in Section 5-130 of
5 the Juvenile Court Act of 1987.

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

11 (3) Records of arrest not followed by a conviction
12 unless related to the practice of the profession. However,
13 applicants shall not be asked to report any arrests, and,
14 an arrest not followed by a conviction shall not be the
15 basis of a denial and may be used only to assess an
16 applicant's rehabilitation.

17 (4) Convictions overturned by a higher court.

18 (5) Convictions or arrests that have been sealed or
19 expunged.

20 (b) When reviewing, for the purpose of determining whether
21 to grant a license, a conviction of any felony or a misdemeanor
22 directly related to the practice of the profession by plea of
23 guilty or nolo contendere, finding of guilt, jury verdict, or
24 entry of judgment or by sentencing of an initial applicant, the
25 Department shall consider any evidence of rehabilitation and
26 mitigating factors contained in the applicant's record,

1 including any of the following:

2 (1) the lack of direct relation of the offense for
3 which the applicant was previously convicted to the duties,
4 functions, and responsibilities of the position for which a
5 license is sought;

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

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

14 (4) the age of the person at the time of the criminal
15 offense;

16 (5) successful completion of sentence and, for
17 applicants serving a term of parole or probation, a
18 progress report provided by the applicant's probation or
19 parole officer that documents the applicant's compliance
20 with conditions of supervision;

21 (6) evidence of the applicant's present fitness and
22 professional character;

23 (7) evidence of rehabilitation or rehabilitative
24 effort during or after incarceration, or during or after a
25 term of supervision, including, but not limited to, a
26 certificate of good conduct under Section 5-5.5-25 of the

1 Unified Code of Corrections or a certificate of relief from
2 disabilities under Section 5-5.5-10 of the Unified Code of
3 Corrections; and

4 (8) any other mitigating factors that contribute to the
5 person's potential and current ability to perform the
6 duties and responsibilities of the position for which a
7 license or employment is sought.

8 (c) It is the affirmative obligation of the Department to
9 demonstrate that a prior conviction would impair the ability of
10 the applicant to engage in the licensed practice. If the
11 Department refuses to issue a license to an applicant, then the
12 Department shall notify the applicant of the denial in writing
13 with the following included in the notice of denial:

14 (1) a statement about the decision to refuse to issue a
15 license;

16 (2) a list of the conviction items that formed the sole
17 or partial basis for the refusal to issue a license;

18 (3) a list of the mitigating evidence presented by the
19 applicant;

20 (4) reasons for refusing to issue a license specific to
21 the evidence presented in mitigation of conviction items
22 that formed the partial or sole basis for the Department's
23 decision; and

24 (5) a summary of the appeal process or the earliest the
25 applicant may reapply for a license, whichever is
26 applicable.

1 (d) No later than May 1 of each year, the Department must
2 prepare, publicly announce, and publish a report of summary
3 statistical information relating to new and renewal license
4 applications during the preceding calendar year. Each report
5 shall show at minimum:

6 (1) the number of applicants for a new or renewal
7 license under this Act within the previous calendar year;

8 (2) the number of applicants for a new or renewal
9 license under this Act within the previous calendar year
10 who had any criminal conviction;

11 (3) the number of applicants for a new or renewal
12 license under this Act in the previous calendar year who
13 were granted a license;

14 (4) the number of applicants for a new or renewal
15 license with a criminal conviction who were granted a
16 license under this Act within the previous calendar year;

17 (5) the number of applicants for a new or renewal
18 license under this Act within the previous calendar year
19 who were denied a license;

20 (6) the number of applicants for a new or renewal
21 license with a criminal conviction who were denied a
22 license under this Act in the previous calendar year in
23 part or in whole because of a prior conviction;

24 (7) the number of probationary licenses without
25 monitoring issued under this Act in the previous calendar
26 year to applicants with criminal conviction; and

1 (8) the number of probationary licenses with
2 monitoring issued under this Act in the previous calendar
3 year to applicants with a criminal conviction.

4 (225 ILCS 745/80)

5 (Section scheduled to be repealed on January 1, 2026)

6 Sec. 80. Disciplinary actions.

7 (a) The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, reprimand, or take other
9 disciplinary or non-disciplinary action as the Department may
10 deem appropriate, including fines not to exceed \$10,000 for
11 each violation, with regard to any license for any one or
12 combination of the following:

13 (1) Material misstatement in furnishing information to
14 the Department.

15 (2) Violations of this Act, or of the rules promulgated
16 under this Act.

17 (3) For licensees, conviction ~~Conviction~~ by plea of
18 guilty or nolo contendere, finding of guilt, jury verdict,
19 or entry of judgment or by sentencing of any crime,
20 including, but not limited to, convictions, preceding
21 sentences of supervision, conditional discharge, or first
22 offender probation, under the laws of any jurisdiction of
23 the United States: (i) that is a felony or (ii) that is a
24 misdemeanor, an essential element of which is dishonesty,
25 or that is directly related to the practice of the

1 profession. For applicants, provisions set forth in
2 Section 77 apply.

3 (4) Making any misrepresentation for the purpose of
4 obtaining licensure or violating any provision of this Act
5 or the rules promulgated under this Act pertaining to
6 advertising.

7 (5) Professional incompetence.

8 (6) Malpractice.

9 (7) Aiding or assisting another person in violating any
10 provision of this Act or rules promulgated under this Act.

11 (8) Failing, within 60 days, to provide information in
12 response to a written request made by the Department.

13 (9) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (10) Habitual or excessive use or addiction to alcohol,
17 narcotics, stimulants, or any other chemical agent or drug
18 that results in the inability to practice with reasonable
19 judgment, skill, or safety.

20 (11) Discipline by another state, the District of
21 Columbia, a territory of the United States, or a foreign
22 nation, if at least one of the grounds for the discipline
23 is the same or substantially equivalent to those set forth
24 in this Section.

25 (12) Directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership, or association

1 any fee, commission, rebate or other form of compensation
2 for professional services not actually or personally
3 rendered.

4 (13) A finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status, has violated the terms of probation.

7 (14) Willfully making or filing false records or
8 reports in his or her practice, including but not limited
9 to, false records filed with State agencies or departments.

10 (15) Physical illness, including but not limited to,
11 deterioration through the aging process, or loss of motor
12 skill that results in the inability to practice the
13 profession with reasonable judgment, skill, or safety.

14 (16) Solicitation of professional services other than
15 permitted advertising.

16 (17) Conviction of or cash compromise of a charge or
17 violation of the Illinois Controlled Substances Act
18 regulating narcotics.

19 (18) Failure to (i) file a tax return, (ii) pay the
20 tax, penalty, or interest shown in a filed return, or (iii)
21 pay any final assessment of tax, penalty, or interest, as
22 required by any tax Act administered by the Illinois
23 Department of Revenue, until the requirements of that tax
24 Act are satisfied.

25 (19) Conviction by any court of competent
26 jurisdiction, either within or outside this State, of any

1 violation of any law governing the practice of professional
2 geology, if the Department determines, after
3 investigation, that the person has not been sufficiently
4 rehabilitated to warrant the public trust.

5 (20) Gross, willful, or continued overcharging for
6 professional services, including filing false statements
7 for collection of fees for which services are not rendered.

8 (21) Practicing under a false or, except as provided by
9 law, an assumed name.

10 (22) Fraud or misrepresentation in applying for, or
11 procuring, a license to practice as a Licensed Professional
12 Geologist under this Act or in connection with applying for
13 renewal of a license under this Act.

14 (23) Cheating on or attempting to subvert the licensing
15 examination administered under this Act.

16 (b) The determination by a circuit court that a licensee is
17 subject to involuntary admission or judicial admission as
18 provided in the Mental Health and Developmental Disabilities
19 Code operates as an automatic suspension. The suspension will
20 end only upon a finding by a court that the licensee is no
21 longer subject to the involuntary admission or judicial
22 admission and issues an order so finding and discharging the
23 licensee; and upon the recommendation of the Board to the
24 Secretary that the licensee be allowed to resume his or her
25 practice.

26 All fines imposed under this Section shall be paid within

1 60 days after the effective date of the order imposing the fine
2 or in accordance with the terms set forth in the order imposing
3 the fine.

4 (Source: P.A. 99-26, eff. 7-10-15.)

5 Section 150. The Raffles and Poker Runs Act is amended by
6 changing Section 3 and by adding Section 3.1 as follows:

7 (230 ILCS 15/3) (from Ch. 85, par. 2303)

8 Sec. 3. License - Application - Issuance - Restrictions -
9 Persons ineligible. Licenses issued by the governing body of
10 any county or municipality are subject to the following
11 restrictions:

12 (1) No person, firm or corporation shall conduct
13 raffles or chances or poker runs without having first
14 obtained a license therefor pursuant to this Act.

15 (2) The license and application for license must
16 specify the area or areas within the licensing authority in
17 which raffle chances will be sold or issued or a poker run
18 will be conducted, the time period during which raffle
19 chances will be sold or issued or a poker run will be
20 conducted, the time of determination of winning chances and
21 the location or locations at which winning chances will be
22 determined.

23 (3) The license application must contain a sworn
24 statement attesting to the not-for-profit character of the

1 prospective licensee organization, signed by the presiding
2 officer and the secretary of that organization.

3 (4) The application for license shall be prepared in
4 accordance with the ordinance of the local governmental
5 unit.

6 (5) A license authorizes the licensee to conduct
7 raffles or poker runs as defined in this Act.

8 The following are ineligible for any license under this
9 Act:

10 (a) any person who has not sufficiently rehabilitated
11 following a felony conviction ~~has been convicted of a~~
12 ~~felony;~~

13 (b) any person who is or has been a professional
14 gambler or gambling promoter;

15 (c) any person who is not of good moral character;

16 (d) any firm or corporation in which a person defined
17 in (a), (b) or (c) has a proprietary, equitable or credit
18 interest, or in which such a person is active or employed;

19 (e) any organization in which a person defined in (a),
20 (b) or (c) is an officer, director, or employee, whether
21 compensated or not;

22 (f) any organization in which a person defined in (a),
23 (b) or (c) is to participate in the management or operation
24 of a raffle as defined in this Act.

25 (Source: P.A. 98-644, eff. 6-10-14.)

1 (230 ILCS 15/3.1 new)

2 Sec. 3.1. Applicant convictions.

3 (a) The licensing authority shall not require applicants to
4 report the following information and shall not consider the
5 following criminal history records in connection with an
6 application for licensure:

7 (1) Juvenile adjudications of delinquent minors as
8 defined in Section 5-105 of the Juvenile Court Act of 1987
9 subject to the restrictions set forth in Section 5-130 of
10 the Juvenile Court Act of 1987.

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

16 (3) Records of arrest not followed by a conviction.

17 (4) Convictions overturned by a higher court.

18 (5) Convictions or arrests that have been sealed or
19 expunged.

20 (b) When reviewing, for the purpose of licensure or
21 determining moral character, a conviction of a felony of an
22 applicant, the licensing authority shall consider any evidence
23 of rehabilitation and mitigating factors contained in the
24 applicant's record, including any of the following:

25 (1) the lack of direct relation of the offense for
26 which the applicant was previously convicted to the duties,

1 functions, and responsibilities of the position for which a
2 license is sought;

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

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

11 (4) the age of the person at the time of the criminal
12 offense;

13 (5) successful completion of sentence and, for
14 applicants serving a term of parole or probation, a
15 progress report provided by the applicant's probation or
16 parole officer that documents the applicant's compliance
17 with conditions of supervision;

18 (6) evidence of the applicant's present fitness and
19 professional character;

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

1 (8) any other mitigating factors that contribute to the
2 person's potential and current ability to perform the
3 duties and responsibilities of the position for which a
4 license or employment is sought.

5 (c) It is the affirmative obligation of the licensing
6 authority to demonstrate that a prior conviction would impair
7 the ability of the applicant to engage in the licensed
8 practice. If the licensing authority refuses to issue a license
9 to an applicant, then the applicant shall be notified of the
10 denial in writing with the following included in the notice of
11 denial:

12 (1) a statement about the decision to refuse to issue a
13 license;

14 (2) a list of the convictions that formed the sole or
15 partial basis for the refusal to issue a license;

16 (3) a list of the mitigating evidence presented by the
17 applicant;

18 (4) reasons for refusing to issue a license specific to
19 the evidence presented in mitigation of conviction items
20 that formed the partial or sole basis for the licensing
21 authority's decision; and

22 (5) a summary of the appeal process or the earliest the
23 applicant may reapply for a license, whichever is
24 applicable.

25 (d) No later than May 1 of each year, the licensing
26 authority must prepare, publicly announce, and publish a report

1 of summary statistical information relating to new and renewal
2 license applications during the preceding calendar year. Each
3 report shall show at minimum:

4 (1) the number of applicants for new or renewal license
5 under this Act within the previous calendar year;

6 (2) the number of applicants for new or renewal license
7 under this Act within the previous calendar year who had
8 any criminal conviction;

9 (3) the number of applicants for new or renewal license
10 under this Act in the previous calendar year who were
11 granted a license;

12 (4) the number of applicants for new or renewal license
13 with a criminal conviction who were granted a license under
14 this Act within the previous calendar year;

15 (5) the number of applicants for new or renewal license
16 under this Act within the previous calendar year who were
17 denied a license;

18 (6) the number of applicants for new or renewal license
19 with a criminal conviction who were denied a license under
20 this Act in the previous calendar year in whole or in part
21 because of a prior conviction;

22 (7) the number of probationary licenses without
23 monitoring issued under this Act in the previous calendar
24 year to applicants with criminal conviction; and

25 (8) the number of probationary licenses with
26 monitoring issued under this Act in the previous calendar

1 year to applicants with criminal convictions.

2 Section 155. The Illinois Pull Tabs and Jar Games Act is
3 amended by changing Section 2.1 and by adding Section 2.2 as
4 follows:

5 (230 ILCS 20/2.1)

6 Sec. 2.1. Ineligibility for a license. The following are
7 ineligible for any license under this Act:

8 (1) Any person convicted of any felony within the last
9 5 years who has not been sufficiently rehabilitated
10 following the conviction. ~~Any person who has been convicted~~
11 ~~of a felony within the last 10 years prior to the date of~~
12 ~~the application.~~

13 (2) Any person ~~who has been~~ convicted of a violation of
14 Article 28 of the Criminal Code of 1961 or the Criminal
15 Code of 2012 who has not been sufficiently rehabilitated
16 following the conviction.

17 (3) Any person who has had a bingo, pull tabs and jar
18 games, or charitable games license revoked by the
19 Department.

20 (4) Any person who is or has been a professional
21 gambler.

22 (5) Any person found gambling in a manner not
23 authorized by the Illinois Pull Tabs and Jar Games Act, the
24 Bingo License and Tax Act, or the Charitable Games Act,

1 participating in such gambling, or knowingly permitting
2 such gambling on premises where pull tabs and jar games are
3 authorized to be conducted.

4 (6) Any firm or corporation in which a person defined
5 in (1), (2), (3), (4), or (5) has any proprietary,
6 equitable, or credit interest or in which such person is
7 active or employed.

8 (7) Any organization in which a person defined in (1),
9 (2), (3), (4), or (5) is an officer, director, or employee,
10 whether compensated or not.

11 (8) Any organization in which a person defined in (1),
12 (2), (3), (4), or (5) is to participate in the management
13 or operation of pull tabs and jar games.

14 The Department of State Police shall provide the criminal
15 background of any supplier as requested by the Department of
16 Revenue.

17 (Source: P.A. 97-1150, eff. 1-25-13.)

18 (230 ILCS 20/2.2 new)

19 Sec. 2.2. Applicant convictions.

20 (a) The Department shall not require applicants to report
21 the following information and shall not consider the following
22 criminal history records in connection with an application for
23 licensure:

24 (1) Juvenile adjudications of delinquent minors as
25 defined in Section 5-105 of the Juvenile Court Act of 1987

1 subject to the restrictions set forth in Section 5-130 of
2 the Juvenile Court Act of 1987.

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

8 (3) Records of arrest not followed by a conviction.

9 (4) Convictions overturned by a higher court.

10 (5) Convictions or arrests that have been sealed or
11 expunged.

12 (b) When reviewing, for the purpose of licensure, a
13 conviction of any felony or of a violation of Article 28 of the
14 Criminal Code of 1961 or Criminal Code of 2012, the Department
15 shall consider any evidence of rehabilitation and mitigating
16 factors contained in the applicant's record, including any of
17 the following that the applicant has been sufficiently
18 rehabilitated:

19 (1) the lack of direct relation of the offense for
20 which the applicant was previously convicted to the duties,
21 functions, and responsibilities of the position for which a
22 license is sought;

23 (2) the amount of time that has elapsed since the
24 offense occurred;

25 (3) if the applicant was previously licensed or
26 employed in this State or other state or jurisdictions,

1 then the lack of prior misconduct arising from or related
2 to the licensed position or position of employment;

3 (4) the age of the person at the time of the criminal
4 offense;

5 (5) successful completion of sentence and, for
6 applicants serving a term of parole or probation, a
7 progress report provided by the applicant's probation or
8 parole officer that documents the applicant's compliance
9 with conditions of supervision;

10 (6) evidence of the applicant's present fitness and
11 professional character;

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

19 (8) any other mitigating factors that contribute to the
20 person's potential and current ability to perform the
21 duties and responsibilities of the position for which a
22 license or employment is sought.

23 (c) It is the affirmative obligation of the Department to
24 demonstrate that a prior conviction would impair the ability of
25 the applicant to engage in the licensed practice. If the
26 Department refuses to issue a license to an applicant, then the

1 applicant shall be notified of the denial in writing with the
2 following included in the notice of denial:

3 (1) a statement about the decision to refuse to issue a
4 license;

5 (2) a list of the convictions that formed the sole or
6 partial basis for the refusal to issue a license;

7 (3) a list of the mitigating evidence presented by the
8 applicant;

9 (4) reasons for refusing to issue a license specific to
10 the evidence presented in mitigation of conviction items
11 that formed the partial or sole basis for the Department's
12 decision; and

13 (5) a summary of the appeal process or the earliest the
14 applicant may reapply for a license, whichever is
15 applicable.

16 (d) No later than May 1 of each year, the Department must
17 prepare, publicly announce, and publish a report of summary
18 statistical information relating to new and renewal license
19 applications during the preceding calendar year. Each report
20 shall show at minimum:

21 (1) the number of applicants for new or renewal license
22 under this Act within the previous calendar year;

23 (2) the number of applicants for new or renewal license
24 under this Act within the previous calendar year who had
25 any criminal conviction;

26 (3) the number of applicants for new or renewal license

1 under this Act in the previous calendar year who were
2 granted a license;

3 (4) the number of applicants for new or renewal license
4 with a criminal conviction who were granted a license under
5 this Act within the previous calendar year;

6 (5) the number of applicants for new or renewal license
7 under this Act within the previous calendar year who were
8 denied a license;

9 (6) the number of applicants for new or renewal license
10 with a criminal conviction who were denied a license under
11 this Act in the previous calendar year in whole or in part
12 because of a prior conviction;

13 (7) the number of probationary licenses without
14 monitoring issued under this Act in the previous calendar
15 year to applicants with criminal conviction; and the number
16 of probationary licenses with monitoring issued under this
17 Act in the previous calendar year to applicants with
18 criminal conviction.

19 Section 160. The Bingo License and Tax Act is amended by
20 changing Section 1.2 and by adding Section 1.2a as follows:

21 (230 ILCS 25/1.2)

22 Sec. 1.2. Ineligibility for licensure. The following are
23 ineligible for any license under this Act:

24 (1) Any person convicted of any felony within the last

1 5 years who has not been sufficiently rehabilitated
2 following the conviction. ~~Any person who has been convicted~~
3 ~~of a felony within the last 10 years prior to the date of~~
4 ~~application.~~

5 (2) Any person ~~who has been~~ convicted of a violation of
6 Article 28 of the Criminal Code of 1961 or the Criminal
7 Code of 2012 who has not been sufficiently rehabilitated
8 following the conviction.

9 (3) Any person who has had a bingo, pull tabs and jar
10 games, or charitable games license revoked by the
11 Department.

12 (4) Any person who is or has been a professional
13 gambler.

14 (5) Any person found gambling in a manner not
15 authorized by the Illinois Pull Tabs and Jar Games Act,
16 Bingo License and Tax Act, or the Charitable Games Act,
17 participating in such gambling, or knowingly permitting
18 such gambling on premises where a bingo event is authorized
19 to be conducted or has been conducted.

20 (6) Any organization in which a person defined in (1),
21 (2), (3), (4), or (5) has a proprietary, equitable, or
22 credit interest, or in which such person is active or
23 employed.

24 (7) Any organization in which a person defined in (1),
25 (2), (3), (4), or (5) is an officer, director, or employee,
26 whether compensated or not.

1 (8) Any organization in which a person defined in (1),
2 (2), (3), (4), or (5) is to participate in the management
3 or operation of a bingo game.

4 The Department of State Police shall provide the criminal
5 background of any person requested by the Department of
6 Revenue.

7 (Source: P.A. 97-1150, eff. 1-25-13.)

8 (230 ILCS 25/1.2a new)

9 Sec. 1.2a. Applicant convictions.

10 (a) When reviewing, for the purpose of licensure, a
11 conviction of any felony or of a violation of Article 28 of the
12 Criminal Code of 1961 or Criminal Code of 2012, the Department
13 shall consider any evidence of rehabilitation and mitigating
14 factors contained in the applicant's record, including any of
15 the following that the applicant has been sufficiently
16 rehabilitated:

17 (1) the lack of direct relation of the offense for
18 which the applicant was previously convicted to the duties,
19 functions, and responsibilities of the position for which a
20 license is sought;

21 (2) the amount of time that has elapsed since the
22 offense occurred;

23 (3) if the applicant was previously licensed or
24 employed in this State or other state or jurisdictions,
25 then the lack of prior misconduct arising from or related

1 to the licensed position or position of employment;

2 (4) the age of the person at the time of the criminal
3 offense;

4 (5) successful completion of sentence and, for
5 applicants serving a term of parole or probation, a
6 progress report provided by the applicant's probation or
7 parole officer that documents the applicant's compliance
8 with conditions of supervision;

9 (6) evidence of the applicant's present fitness and
10 professional character;

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

18 (8) any other mitigating factors that contribute to the
19 person's potential and current ability to perform the
20 duties and responsibilities of the position for which a
21 license or employment is sought.

22 (b) It is the affirmative obligation of the Department to
23 demonstrate that a prior conviction would impair the ability of
24 the applicant to engage in the licensed practice. If the
25 Department refuses to issue a license to an applicant, then the
26 Department shall notify the applicant of the denial in writing

1 with the following included in the notice of denial:

2 (1) a statement about the decision to refuse to issue a
3 license;

4 (2) a list of the convictions that formed the sole or
5 partial basis for the refusal to issue a license;

6 (3) a list of the mitigating evidence presented by the
7 applicant;

8 (4) reasons for refusing to issue a license specific to
9 the evidence presented in mitigation of conviction items
10 that formed the partial or sole basis for the Department's
11 decision; and

12 (5) a summary of the appeal process or the earliest the
13 applicant may reapply for a license, whichever is
14 applicable.

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

20 (1) the number of applicants for new or renewal license
21 under this Act within the previous calendar year;

22 (2) the number of applicants for new or renewal license
23 under this Act within the previous calendar year who had
24 any criminal conviction;

25 (3) the number of applicants for new or renewal license
26 under this Act in the previous calendar year who were

1 granted a license;

2 (4) the number of applicants for new or renewal license
3 with a criminal conviction who were granted a license under
4 this Act within the previous calendar year;

5 (5) the number of applicants for new or renewal license
6 under this Act within the previous calendar year who were
7 denied a license;

8 (6) the number of applicants for new or renewal license
9 with a criminal conviction who were denied a license under
10 this Act in the previous calendar year in whole or in part
11 because of a prior conviction;

12 (7) the number of probationary licenses without
13 monitoring issued under this Act in the previous calendar
14 year to applicants with criminal conviction; and

15 (8) the number of probationary licenses with
16 monitoring issued under this Act in the previous calendar
17 year to applicants with criminal conviction.

18 (d) The Department shall not require applicants to report
19 the following information and shall not consider the following
20 criminal history records in connection with an application for
21 licensure:

22 (1) Juvenile adjudications of delinquent minors as
23 defined in Section 5-105 of the Juvenile Court Act of 1987
24 subject to the exclusions set forth in Section 5-130 of the
25 Juvenile Court Act of 1987.

26 (2) Law enforcement records, court records, and

1 conviction records of an individual who was 17 years old at
2 the time of the offense and before January 1, 2014, unless
3 the nature of the offense required the individual to be
4 tried as an adult.

5 (3) Records of arrest not followed by a conviction.

6 (4) Convictions overturned by a higher court.

7 (5) Convictions or arrests that have been sealed or
8 expunged.

9 Section 165. The Charitable Games Act is amended by
10 changing Section 7 and by adding Section 7.1 as follows:

11 (230 ILCS 30/7) (from Ch. 120, par. 1127)

12 Sec. 7. Ineligible Persons. The following are ineligible
13 for any license under this Act:

14 (a) any person convicted of any felony within the last
15 5 years who has not been sufficiently rehabilitated
16 following the conviction ~~any person who has been convicted~~
17 ~~of a felony within the last 10 years before the date of the~~
18 ~~application;~~

19 (b) any person ~~who has been~~ convicted of a violation of
20 Article 28 of the Criminal Code of 1961 or the Criminal
21 Code of 2012 who has not been sufficiently rehabilitated
22 following the conviction;

23 (c) any person who has had a bingo, pull tabs and jar
24 games, or charitable games license revoked by the

1 Department;

2 (d) any person who is or has been a professional
3 gambler;

4 (d-1) any person found gambling in a manner not
5 authorized by this Act, the Illinois Pull Tabs and Jar
6 Games Act, or the Bingo License and Tax Act participating
7 in such gambling, or knowingly permitting such gambling on
8 premises where an authorized charitable games event is
9 authorized to be conducted or has been conducted;

10 (e) any organization in which a person defined in (a),
11 (b), (c), (d), or (d-1) has a proprietary, equitable, or
12 credit interest, or in which the person is active or
13 employed;

14 (f) any organization in which a person defined in (a),
15 (b), (c), (d), or (d-1) is an officer, director, or
16 employee, whether compensated or not;

17 (g) any organization in which a person defined in (a),
18 (b), (c), (d), or (d-1) is to participate in the management
19 or operation of charitable games.

20 The Department of State Police shall provide the criminal
21 background of any person requested by the Department of
22 Revenue.

23 (Source: P.A. 97-1150, eff. 1-25-13.)

24 (230 ILCS 30/7.1 new)

25 Sec. 7.1. Applicant convictions.

1 (a) When reviewing, for the purpose of licensure, a
2 conviction of any felony or of a violation of Article 28 of the
3 Criminal Code of 1961 or Criminal Code of 2012, the Department
4 shall consider any evidence of rehabilitation and mitigating
5 factors contained in the applicant's record, including any of
6 the following that the applicant has been sufficiently
7 rehabilitated:

8 (1) the lack of direct relation of the offense for
9 which the applicant was previously convicted to the duties,
10 functions, and responsibilities of the position for which a
11 license is sought;

12 (2) the amount of time that has elapsed since the
13 offense occurred;

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

18 (4) the age of the person at the time of the criminal
19 offense;

20 (5) successful completion of sentence and, for
21 applicants serving a term of parole or probation, a
22 progress report provided by the applicant's probation or
23 parole officer that documents the applicant's compliance
24 with conditions of supervision;

25 (6) evidence of the applicant's present fitness and
26 professional character;

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

8 (8) any other mitigating factors that contribute to the
9 person's potential and current ability to perform the
10 duties and responsibilities of the position for which a
11 license or employment is sought.

12 (b) It is the affirmative obligation of the Department to
13 demonstrate that a prior conviction would impair the ability of
14 the applicant to engage in the licensed practice. If the
15 Department refuses to grant a license to an applicant, then the
16 Department shall notify the applicant of the denial in writing
17 with the following included in the notice of denial:

18 (1) a statement about the decision to refuse to issue a
19 license;

20 (2) a list of the convictions that formed the sole or
21 partial basis for the refusal to issue a license;

22 (3) a list of the mitigating evidence presented by the
23 applicant;

24 (4) reasons for refusing to issue a license specific to
25 the evidence presented in mitigation of conviction items
26 that formed the partial or sole basis for the Department's

1 decision; and

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

5 (c) No later than May 1 of each year, the Department must
6 prepare, publicly announce, and publish a report of summary
7 statistical information relating to new and renewal license
8 applications during the preceding calendar year. Each report
9 shall show at minimum:

10 (1) the number of applicants for new or renewal license
11 under this Act within the previous calendar year;

12 (2) the number of applicants for new or renewal license
13 under this Act within the previous calendar year who had
14 any criminal conviction;

15 (3) the number of applicants for new or renewal license
16 under this Act in the previous calendar year who were
17 granted a license;

18 (4) the number of applicants for new or renewal license
19 with a criminal conviction who were granted a license under
20 this Act within the previous calendar year;

21 (5) the number of applicants for new or renewal license
22 under this Act within the previous calendar year who were
23 denied a license;

24 (6) the number of applicants for new or renewal license
25 with a criminal conviction who were denied a license under
26 this Act in the previous calendar year in whole or in part

1 because of a prior conviction;

2 (7) the number of probationary licenses without
3 monitoring issued under this Act in the previous calendar
4 year to applicants with criminal conviction; and

5 (8) the number of probationary licenses with
6 monitoring issued under this Act in the previous calendar
7 year to applicants with criminal conviction.

8 (d) Applicants shall not be required to report the
9 following information and the following shall not be considered
10 in connection with an application for licensure or
11 registration:

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

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

21 (3) Records of arrest not followed by a conviction.

22 (4) Convictions overturned by a higher court.

23 (5) Convictions or arrests that have been sealed or
24 expunged.

25 Section 170. The Liquor Control Act of 1934 is amended by

1 changing Sections 6-2 and 7-1 and by adding Section 6-2.5 as
2 follows:

3 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

4 Sec. 6-2. Issuance of licenses to certain persons
5 prohibited.

6 (a) Except as otherwise provided in subsection (b) of this
7 Section and in paragraph (1) of subsection (a) of Section 3-12,
8 no license of any kind issued by the State Commission or any
9 local commission shall be issued to:

10 (1) A person who is not a resident of any city, village
11 or county in which the premises covered by the license are
12 located; except in case of railroad or boat licenses.

13 (2) A person who is not of good character and
14 reputation in the community in which he resides.

15 (3) A person who is not a citizen of the United States.

16 (4) A person who has been convicted of a felony under
17 any Federal or State law, unless the Commission determines
18 that such person has been sufficiently rehabilitated to
19 warrant the public trust after considering matters set
20 forth in such person's application in accordance with
21 Section 6-2.5 of this Act and the Commission's
22 investigation. ~~The burden of proof of sufficient~~
23 ~~rehabilitation shall be on the applicant.~~

24 (5) A person who has been convicted of keeping a place
25 of prostitution or keeping a place of juvenile

1 prostitution, promoting prostitution that involves keeping
2 a place of prostitution, or promoting juvenile
3 prostitution that involves keeping a place of juvenile
4 prostitution.

5 (6) A person who has been convicted of pandering ~~or~~
6 ~~other crime or misdemeanor opposed to decency and morality.~~

7 (7) A person whose license issued under this Act has
8 been revoked for cause.

9 (8) A person who at the time of application for renewal
10 of any license issued hereunder would not be eligible for
11 such license upon a first application.

12 (9) A copartnership, if any general partnership
13 thereof, or any limited partnership thereof, owning more
14 than 5% of the aggregate limited partner interest in such
15 copartnership would not be eligible to receive a license
16 hereunder for any reason other than residence within the
17 political subdivision, unless residency is required by
18 local ordinance.

19 (10) A corporation or limited liability company, if any
20 member, officer, manager or director thereof, or any
21 stockholder or stockholders owning in the aggregate more
22 than 5% of the stock of such corporation, would not be
23 eligible to receive a license hereunder for any reason
24 other than citizenship and residence within the political
25 subdivision.

26 (10a) A corporation or limited liability company

1 unless it is incorporated or organized in Illinois, or
2 unless it is a foreign corporation or foreign limited
3 liability company which is qualified under the Business
4 Corporation Act of 1983 or the Limited Liability Company
5 Act to transact business in Illinois. The Commission shall
6 permit and accept from an applicant for a license under
7 this Act proof prepared from the Secretary of State's
8 website that the corporation or limited liability company
9 is in good standing and is qualified under the Business
10 Corporation Act of 1983 or the Limited Liability Company
11 Act to transact business in Illinois.

12 (11) A person whose place of business is conducted by a
13 manager or agent unless the manager or agent possesses the
14 same qualifications required by the licensee.

15 (12) A person who has been convicted of a violation of
16 any Federal or State law concerning the manufacture,
17 possession or sale of alcoholic liquor, subsequent to the
18 passage of this Act or has forfeited his bond to appear in
19 court to answer charges for any such violation, unless the
20 Commission determines, in accordance with Section 6-2.5 of
21 this Act, that the person has been sufficiently
22 rehabilitated to warrant public trust.

23 (13) A person who does not beneficially own the
24 premises for which a license is sought, or does not have a
25 lease thereon for the full period for which the license is
26 to be issued.

1 (14) Any law enforcing public official, including
2 members of local liquor control commissions, any mayor,
3 alderman, or member of the city council or commission, any
4 president of the village board of trustees, any member of a
5 village board of trustees, or any president or member of a
6 county board; and no such official shall have a direct
7 interest in the manufacture, sale, or distribution of
8 alcoholic liquor, except that a license may be granted to
9 such official in relation to premises that are not located
10 within the territory subject to the jurisdiction of that
11 official if the issuance of such license is approved by the
12 State Liquor Control Commission and except that a license
13 may be granted, in a city or village with a population of
14 55,000 or less, to any alderman, member of a city council,
15 or member of a village board of trustees in relation to
16 premises that are located within the territory subject to
17 the jurisdiction of that official if (i) the sale of
18 alcoholic liquor pursuant to the license is incidental to
19 the selling of food, (ii) the issuance of the license is
20 approved by the State Commission, (iii) the issuance of the
21 license is in accordance with all applicable local
22 ordinances in effect where the premises are located, and
23 (iv) the official granted a license does not vote on
24 alcoholic liquor issues pending before the board or council
25 to which the license holder is elected. Notwithstanding any
26 provision of this paragraph (14) to the contrary, an

1 alderman or member of a city council or commission, a
2 member of a village board of trustees other than the
3 president of the village board of trustees, or a member of
4 a county board other than the president of a county board
5 may have a direct interest in the manufacture, sale, or
6 distribution of alcoholic liquor as long as he or she is
7 not a law enforcing public official, a mayor, a village
8 board president, or president of a county board. To prevent
9 any conflict of interest, the elected official with the
10 direct interest in the manufacture, sale, or distribution
11 of alcoholic liquor shall not participate in any meetings,
12 hearings, or decisions on matters impacting the
13 manufacture, sale, or distribution of alcoholic liquor.
14 Furthermore, the mayor of a city with a population of
15 55,000 or less or the president of a village with a
16 population of 55,000 or less may have an interest in the
17 manufacture, sale, or distribution of alcoholic liquor as
18 long as the council or board over which he or she presides
19 has made a local liquor control commissioner appointment
20 that complies with the requirements of Section 4-2 of this
21 Act.

22 (15) A person who is not a beneficial owner of the
23 business to be operated by the licensee.

24 (16) A person who has been convicted of a gambling
25 offense as proscribed by any of subsections (a) (3) through
26 (a) (11) of Section 28-1 of, or as proscribed by Section

1 28-1.1 or 28-3 of, the Criminal Code of 1961 or the
2 Criminal Code of 2012, or as proscribed by a statute
3 replaced by any of the aforesaid statutory provisions.

4 (17) A person or entity to whom a federal wagering
5 stamp has been issued by the federal government, unless the
6 person or entity is eligible to be issued a license under
7 the Raffles and Poker Runs Act or the Illinois Pull Tabs
8 and Jar Games Act.

9 (18) A person who intends to sell alcoholic liquors for
10 use or consumption on his or her licensed retail premises
11 who does not have liquor liability insurance coverage for
12 that premises in an amount that is at least equal to the
13 maximum liability amounts set out in subsection (a) of
14 Section 6-21.

15 (19) A person who is licensed by any licensing
16 authority as a manufacturer of beer, or any partnership,
17 corporation, limited liability company, or trust or any
18 subsidiary, affiliate, or agent thereof, or any other form
19 of business enterprise licensed as a manufacturer of beer,
20 having any legal, equitable, or beneficial interest,
21 directly or indirectly, in a person licensed in this State
22 as a distributor or importing distributor. For purposes of
23 this paragraph (19), a person who is licensed by any
24 licensing authority as a "manufacturer of beer" shall also
25 mean a brewer and a non-resident dealer who is also a
26 manufacturer of beer, including a partnership,

1 corporation, limited liability company, or trust or any
2 subsidiary, affiliate, or agent thereof, or any other form
3 of business enterprise licensed as a manufacturer of beer.

4 (20) A person who is licensed in this State as a
5 distributor or importing distributor, or any partnership,
6 corporation, limited liability company, or trust or any
7 subsidiary, affiliate, or agent thereof, or any other form
8 of business enterprise licensed in this State as a
9 distributor or importing distributor having any legal,
10 equitable, or beneficial interest, directly or indirectly,
11 in a person licensed as a manufacturer of beer by any
12 licensing authority, or any partnership, corporation,
13 limited liability company, or trust or any subsidiary,
14 affiliate, or agent thereof, or any other form of business
15 enterprise, except for a person who owns, on or after the
16 effective date of this amendatory Act of the 98th General
17 Assembly, no more than 5% of the outstanding shares of a
18 manufacturer of beer whose shares are publicly traded on an
19 exchange within the meaning of the Securities Exchange Act
20 of 1934. For the purposes of this paragraph (20), a person
21 who is licensed by any licensing authority as a
22 "manufacturer of beer" shall also mean a brewer and a
23 non-resident dealer who is also a manufacturer of beer,
24 including a partnership, corporation, limited liability
25 company, or trust or any subsidiary, affiliate, or agent
26 thereof, or any other form of business enterprise licensed

1 as a manufacturer of beer.

2 (b) A criminal conviction of a corporation is not grounds
3 for the denial, suspension, or revocation of a license applied
4 for or held by the corporation if the criminal conviction was
5 not the result of a violation of any federal or State law
6 concerning the manufacture, possession or sale of alcoholic
7 liquor, the offense that led to the conviction did not result
8 in any financial gain to the corporation and the corporation
9 has terminated its relationship with each director, officer,
10 employee, or controlling shareholder whose actions directly
11 contributed to the conviction of the corporation. The
12 Commission shall determine if all provisions of this subsection
13 (b) have been met before any action on the corporation's
14 license is initiated.

15 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;
16 98-10, eff. 5-6-13; 98-21, eff. 6-13-13; 98-644, eff. 6-10-14;
17 98-756, eff. 7-16-14.)

18 (235 ILCS 5/6-2.5 new)

19 Sec. 6-2.5. Applicant convictions.

20 (a) The Commission shall not require applicants to report
21 the following information and shall not consider the following
22 criminal history records in connection with an application for
23 a license under this Act:

24 (1) Juvenile adjudications of delinquent minors as
25 defined in Section 5-105 of the Juvenile Court Act of 1987,

1 subject to the restrictions set forth in Section 5-130 of
2 the Juvenile Court Act of 1987.

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

8 (3) Records of arrest not followed by a conviction.

9 (4) Convictions overturned by a higher court.

10 (5) Convictions or arrests that have been sealed or
11 expunged.

12 (b) When determining whether to grant a license to an
13 applicant with a prior conviction of a felony or a violation of
14 any federal or State law concerning the manufacture, possession
15 or sale of alcoholic liquor, the Commission shall consider any
16 evidence of rehabilitation and mitigating factors contained in
17 the applicant's record, including any of the following:

18 (1) the lack of direct relation of the offense for
19 which the applicant was previously convicted to the duties,
20 functions, and responsibilities of the position for which a
21 license is sought;

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

26 (3) if the applicant was previously licensed or

1 employed in this State or other state or jurisdictions,
2 then the lack of prior misconduct arising from or related
3 to the licensed position or position of employment;

4 (4) the age of the person at the time of the criminal
5 offense;

6 (5) successful completion of sentence and, for
7 applicants serving a term of parole or probation, a
8 progress report provided by the applicant's probation or
9 parole officer that documents the applicant's compliance
10 with conditions of supervision;

11 (6) evidence of the applicant's present fitness and
12 professional character;

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

20 (8) any other mitigating factors that contribute to the
21 person's potential and current ability to perform the
22 duties and responsibilities of the position for which a
23 license or employment is sought.

24 (c) It is the affirmative obligation of the Commission to
25 demonstrate that a prior conviction would impair the ability of
26 the applicant to engage in the practice regulated under this

1 Act. If the Commission refuses to issue a license to an
2 applicant, then the Commission shall notify the applicant of
3 the denial in writing with the following included in the notice
4 of denial:

5 (1) a statement about the decision to refuse to issue a
6 license;

7 (2) a list of the conviction items that formed the sole
8 or partial basis for the refusal to issue a license;

9 (3) a list of the mitigating evidence presented by the
10 applicant;

11 (4) reasons for refusing to issue a license specific to
12 the evidence presented in mitigation of conviction items
13 that formed the partial or sole basis for the Department's
14 decision; and

15 (5) a summary of the appeal process or the earliest the
16 applicant may reapply for a license, whichever is
17 applicable.

18 (d) No later than May 1 of each year, the Commission must
19 prepare, publicly announce, and publish a report of summary
20 statistical information relating to new and renewal license
21 applications during the preceding calendar year. Each report
22 shall show at minimum:

23 (1) the number of applicants for new or renewal license
24 under this Act within the previous calendar year;

25 (2) the number of applicants for new or renewal license
26 under this Act within the previous calendar year who had

1 any criminal conviction;

2 (3) the number of applicants for new or renewal license
3 under this Act in the previous calendar year who were
4 granted a license;

5 (4) the number of applicants for new or renewal license
6 with a criminal conviction who were granted a license under
7 this Act within the previous calendar year;

8 (5) the number of applicants for new or renewal license
9 under this Act within the previous calendar year who were
10 denied a license;

11 (6) the number of applicants for new or renewal license
12 with a criminal conviction who were denied a license under
13 this Act in the previous calendar year in whole or in part
14 because of a prior conviction;

15 (7) the number of probationary licenses without
16 monitoring issued under this Act in the previous calendar
17 year to applicants with criminal conviction; and

18 (8) the number of probationary licenses with
19 monitoring issued under this Act in the previous calendar
20 year to applicants with criminal conviction.

21 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

22 Sec. 7-1. An applicant for a retail license from the State
23 Commission shall submit to the State Commission an application
24 in writing under oath stating:

25 (1) The applicant's name and mailing address;

- 1 (2) The name and address of the applicant's business;
- 2 (3) If applicable, the date of the filing of the
3 "assumed name" of the business with the County Clerk;
- 4 (4) In case of a copartnership, the date of the
5 formation of the partnership; in the case of an Illinois
6 corporation, the date of its incorporation; or in the case
7 of a foreign corporation, the State where it was
8 incorporated and the date of its becoming qualified under
9 the Business Corporation Act of 1983 to transact business
10 in the State of Illinois;
- 11 (5) The number, the date of issuance and the date of
12 expiration of the applicant's current local retail liquor
13 license;
- 14 (6) The name of the city, village, or county that
15 issued the local retail liquor license;
- 16 (7) The name and address of the landlord if the
17 premises are leased;
- 18 (8) The date of the applicant's first request for a
19 State liquor license and whether it was granted, denied or
20 withdrawn;
- 21 (9) The address of the applicant when the first
22 application for a State liquor license was made;
- 23 (10) The applicant's current State liquor license
24 number;
- 25 (11) The date the applicant began liquor sales at his
26 place of business;

1 (12) The address of the applicant's warehouse if he
2 warehouses liquor;

3 (13) The applicant's Retailers' Occupation Tax (ROT)
4 Registration Number;

5 (14) The applicant's document locator number on his
6 Federal Special Tax Stamp;

7 (15) Whether the applicant is delinquent in the payment
8 of the Retailers' Occupation Tax (Sales Tax), and if so,
9 the reasons therefor;

10 (16) Whether the applicant is delinquent under the cash
11 beer law, and if so, the reasons therefor;

12 (17) In the case of a retailer, whether he is
13 delinquent under the 30-day credit law, and if so, the
14 reasons therefor;

15 (18) In the case of a distributor, whether he is
16 delinquent under the 15-day credit law, and if so, the
17 reasons therefor;

18 (19) Whether the applicant has made an application for
19 a liquor license which has been denied, and if so, the
20 reasons therefor;

21 (20) Whether the applicant has ever had any previous
22 liquor license suspended or revoked, and if so, the reasons
23 therefor;

24 (21) Whether the applicant has ever been convicted of a
25 gambling offense or felony, and if so, the particulars
26 thereof;

1 (22) Whether the applicant possesses a current Federal
2 Wagering Stamp, and if so, the reasons therefor;

3 (23) Whether the applicant, or any other person,
4 directly in his place of business is a public official, and
5 if so, the particulars thereof;

6 (24) The applicant's name, sex, date of birth, social
7 security number, position and percentage of ownership in
8 the business; and the name, sex, date of birth, social
9 security number, position and percentage of ownership in
10 the business of every sole owner, partner, corporate
11 officer, director, manager and any person who owns 5% or
12 more of the shares of the applicant business entity or
13 parent corporations of the applicant business entity; and

14 (25) That he has not received or borrowed money or
15 anything else of value, and that he will not receive or
16 borrow money or anything else of value (other than
17 merchandising credit in the ordinary course of business for
18 a period not to exceed 90 days as herein expressly
19 permitted under Section 6-5 hereof), directly or
20 indirectly, from any manufacturer, importing distributor
21 or distributor or from any representative of any such
22 manufacturer, importing distributor or distributor, nor be
23 a party in any way, directly or indirectly, to any
24 violation by a manufacturer, distributor or importing
25 distributor of Section 6-6 of this Act.

26 In addition to any other requirement of this Section, an

1 applicant for a special use permit license and a special event
2 retailer's license shall also submit (A) proof satisfactory to
3 the Commission that the applicant has a resale number issued
4 under Section 2c of the Retailers' Occupation Tax Act or that
5 the applicant is registered under Section 2a of the Retailers'
6 Occupation Tax Act, (B) proof satisfactory to the Commission
7 that the applicant has a current, valid exemption
8 identification number issued under Section 1g of the Retailers'
9 Occupation Tax Act and a certification to the Commission that
10 the purchase of alcoholic liquors will be a tax-exempt
11 purchase, or (C) a statement that the applicant is not
12 registered under Section 2a of the Retailers' Occupation Tax
13 Act, does not hold a resale number under Section 2c of the
14 Retailers' Occupation Tax Act, and does not hold an exemption
15 number under Section 1g of the Retailers' Occupation Tax Act.
16 The applicant shall also submit proof of adequate dram shop
17 insurance for the special event prior to being issued a
18 license.

19 In addition to the foregoing information, such application
20 shall contain such other and further information as the State
21 Commission and the local commission may, by rule or regulation
22 not inconsistent with law, prescribe.

23 If the applicant reports a felony conviction as required
24 under paragraph (21) of this Section, such conviction may be
25 considered by the Commission in accordance with Section 6-2.5
26 of this Act in determining qualifications for licensing, but

1 shall not operate as a bar to licensing.

2 If said application is made in behalf of a partnership,
3 firm, association, club or corporation, then the same shall be
4 signed by one member of such partnership or the president or
5 secretary of such corporation or an authorized agent of said
6 partnership or corporation.

7 All other applications shall be on forms prescribed by the
8 State Commission, and which may exclude any of the above
9 requirements which the State Commission rules to be
10 inapplicable.

11 (Source: P.A. 98-756, eff. 7-16-14.)

12 Section 175. The Radon Industry Licensing Act is amended by
13 changing Section 45 and by adding Section 46 as follows:

14 (420 ILCS 44/45)

15 Sec. 45. Grounds for disciplinary action. The Agency may
16 refuse to issue or to renew, or may revoke, suspend, or take
17 other disciplinary action as the Agency may deem proper,
18 including fines not to exceed \$1,000 for each violation, with
19 regard to any license for any one or combination of the
20 following causes:

21 (a) Violation of this Act or its rules.

22 (b) For licensees, conviction ~~Conviction~~ of a crime
23 under the laws of any United States jurisdiction that is a
24 felony or of any crime that directly relates to the

1 practice of detecting or reducing the presence of radon or
2 radon progeny. For applicants, provisions set forth in
3 Section 46 apply.

4 (c) Making a misrepresentation for the purpose of
5 obtaining a license.

6 (d) Professional incompetence or gross negligence in
7 the practice of detecting or reducing the presence of radon
8 or radon progeny.

9 (e) Gross malpractice, prima facie evidence of which
10 may be a conviction or judgment of malpractice in a court
11 of competent jurisdiction.

12 (f) Aiding or assisting another person in violating a
13 provision of this Act or its rules.

14 (g) Failing, within 60 days, to provide information in
15 response to a written request made by the Agency that has
16 been sent by mail to the licensee's last known address.

17 (h) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public.

20 (i) Habitual or excessive use or addiction to alcohol,
21 narcotics, stimulants, or any other chemical agent or drug
22 that results in the inability to practice with reasonable
23 judgment, skill, or safety.

24 (j) Discipline by another United States jurisdiction
25 or foreign nation, if at least one of the grounds for the
26 discipline is the same or substantially equivalent to those

1 set forth in this Section.

2 (k) Directly or indirectly giving to or receiving from
3 a person any fee, commission, rebate, or other form of
4 compensation for a professional service not actually or
5 personally rendered.

6 (l) A finding by the Agency that the licensee has
7 violated the terms of a license.

8 (m) Conviction by a court of competent jurisdiction,
9 either within or outside of this State, of a violation of a
10 law governing the practice of detecting or reducing the
11 presence of radon or radon progeny if the Agency determines
12 after investigation that the person has not been
13 sufficiently rehabilitated to warrant the public trust.

14 (n) A finding by the Agency that a license has been
15 applied for or obtained by fraudulent means.

16 (o) Practicing or attempting to practice under a name
17 other than the full name as shown on the license or any
18 other authorized name.

19 (p) Gross and willful overcharging for professional
20 services, including filing false statements for collection
21 of fees or moneys for which services are not rendered.

22 (q) Failure to file a return or to pay the tax,
23 penalty, or interest shown in a filed return, or to pay any
24 final assessment of tax, penalty, or interest, as required
25 by a tax Act administered by the Department of Revenue,
26 until such time as the requirements of any such tax Act are

1 satisfied.

2 (r) Failure to repay educational loans guaranteed by
3 the Illinois Student Assistance Commission, as provided in
4 Section 80 of the Nuclear Safety Law of 2004. However, the
5 Agency may issue an original or renewal license if the
6 person in default has established a satisfactory repayment
7 record as determined by the Illinois Student Assistance
8 Commission.

9 (s) Failure to meet child support orders, as provided
10 in Section 10-65 of the Illinois Administrative Procedure
11 Act.

12 (t) Failure to pay a fee or civil penalty properly
13 assessed by the Agency.

14 (Source: P.A. 94-369, eff. 7-29-05.)

15 (420 ILCS 44/46 new)

16 Sec. 46. Applicant convictions.

17 (a) The Agency shall not require applicants to report the
18 following information and shall not consider the following
19 criminal history records in connection with an application for
20 a license under this Act:

21 (1) Juvenile adjudications of delinquent minors as
22 defined in Section 5-105 of the Juvenile Court Act of 1987,
23 subject to the restrictions set forth in Section 5-130 of
24 the Juvenile Court Act of 1987.

25 (2) Law enforcement records, court records, and

1 conviction records of an individual who was 17 years old at
2 the time of the offense and before January 1, 2014, unless
3 the nature of the offense required the individual to be
4 tried as an adult.

5 (3) Records of arrest not followed by a conviction.

6 (4) Convictions overturned by a higher court.

7 (5) Convictions or arrests that have been sealed or
8 expunged.

9 (b) When reviewing, for the purpose of determining whether
10 to grant a license, a conviction of any felony or a crime that
11 relates to the practice of detecting or reducing the presence
12 of radon or radon progeny of an applicant, the Agency shall
13 consider any evidence of rehabilitation and mitigating factors
14 contained in the applicant's record, including any of the
15 following:

16 (1) the lack of direct relation of the offense for
17 which the applicant was previously convicted to the duties,
18 functions, and responsibilities of the position for which a
19 license is sought;

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

24 (3) if the applicant was previously licensed or
25 employed in this State or other state or jurisdictions,
26 then the lack of prior misconduct arising from or related

1 to the licensed position or position of employment;

2 (4) the age of the person at the time of the criminal
3 offense;

4 (5) successful completion of sentence and, for
5 applicants serving a term of parole or probation, a
6 progress report provided by the applicant's probation or
7 parole officer that documents the applicant's compliance
8 with conditions of supervision;

9 (6) evidence of the applicant's present fitness and
10 professional character;

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

18 (8) any other mitigating factors that contribute to the
19 person's potential and current ability to perform the
20 duties and responsibilities of the position for which a
21 certificate or employment is sought.

22 (c) It is the affirmative obligation of the Agency to
23 demonstrate that a prior conviction would impair the ability of
24 the applicant to engage in the certified practice. If the
25 Agency refuses to issue a license to an applicant, then the
26 Agency shall notify the applicant of the denial in writing with

1 the following included in the notice of denial:

2 (1) a statement about the decision to refuse to grant a
3 license;

4 (2) a list of the conviction items that formed the sole
5 or partial basis for the refusal to issue a license;

6 (3) a list of the mitigating evidence presented by the
7 applicant;

8 (4) reasons for refusing to issue a license specific to
9 the evidence presented in mitigation of conviction items
10 that formed the partial or sole basis for the Agency's
11 decision; and

12 (5) a summary of the appeal process or the earliest the
13 applicant may reapply for a license, whichever is
14 applicable.

15 (d) No later than May 1 of each year, the Agency must
16 prepare, publicly announce, and publish a report of summary
17 statistical information relating to new and renewal license
18 applications during the preceding calendar year. Each report
19 shall show at minimum:

20 (1) the number of applicants for new or renewal license
21 under this Act within the previous calendar year;

22 (2) the number of applicants for new or renewal license
23 under this Act within the previous calendar year who had
24 any criminal conviction;

25 (3) the number of applicants for new or renewal license
26 under this Act in the previous calendar year who were

1 granted a license;

2 (4) the number of applicants for new or renewal license
3 with a criminal conviction who were granted a license under
4 this Act within the previous calendar year;

5 (5) the number of applicants for new or renewal license
6 under this Act within the previous calendar year who were
7 denied a license;

8 (6) the number of applicants for new or renewal license
9 with a criminal conviction who were denied a license under
10 this Act in the previous calendar year in whole or in part
11 because of a prior conviction;

12 (7) the number of probationary a license without
13 monitoring issued under this Act in the previous calendar
14 year to applicants with criminal conviction; and

15 (8) the number of probationary a license with
16 monitoring issued under this Act in the previous calendar
17 year to applicants with criminal conviction.

18 Section 999. Effective date. This Act takes effect January
19 1, 2018.

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