



Sen. Kwame Raoul

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1 AMENDMENT TO SENATE BILL 1688

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1688, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Department of Professional Regulation Law  
6 of the Civil Administrative Code of Illinois is amended by  
7 changing Sections 2105-130, 2105-135, 2105-205, and 2105-207  
8 and by adding Section 2105-131 as follows:

9 (20 ILCS 2105/2105-130)

10 Sec. 2105-130. Determination of disciplinary sanctions.

11 (a) Following disciplinary proceedings as authorized in  
12 any licensing Act administered by the Department, upon a  
13 finding by the Department that a person has committed a  
14 violation of the licensing Act with regard to licenses,  
15 certificates, or authorities of persons exercising the  
16 respective professions, trades, or occupations, the Department

1 may revoke, suspend, refuse to renew, place on probationary  
2 status, fine, or take any other disciplinary action as  
3 authorized in the licensing Act with regard to those licenses,  
4 certificates, or authorities. When making a determination of  
5 the appropriate disciplinary sanction to be imposed, the  
6 Department shall consider only evidence contained in the  
7 record. The Department shall consider any aggravating or  
8 mitigating factors contained in the record when determining the  
9 appropriate disciplinary sanction to be imposed.

10 (b) When making a determination of the appropriate  
11 disciplinary sanction to be imposed on a licensee, the  
12 Department shall consider, but is not limited to, the following  
13 aggravating factors contained in the record:

14 (1) the seriousness of the offenses;

15 (2) the presence of multiple offenses;

16 (3) prior disciplinary history, including actions  
17 taken by other agencies in this State, by other states or  
18 jurisdictions, hospitals, health care facilities,  
19 residency programs, employers, or professional liability  
20 insurance companies or by any of the armed forces of the  
21 United States or any state;

22 (4) the impact of the offenses on any injured party;

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

26 (6) the motive for the offenses;

1 (7) the lack of contrition for the offenses;

2 (8) financial gain as a result of committing the  
3 offenses; and

4 (9) the lack of cooperation with the Department or  
5 other investigative authorities.

6 (c) When making a determination of the appropriate  
7 disciplinary sanction to be imposed on a licensee, the  
8 Department shall consider, but is not limited to, the following  
9 mitigating factors contained in the record:

10 (1) the lack of prior disciplinary action by the  
11 Department or by other agencies in this State, by other  
12 states or jurisdictions, hospitals, health care  
13 facilities, residency programs, employers, insurance  
14 providers, or by any of the armed forces of the United  
15 States or any state;

16 (2) contrition for the offenses;

17 (3) cooperation with the Department or other  
18 investigative authorities;

19 (4) restitution to injured parties;

20 (5) whether the misconduct was self-reported; and

21 (6) any voluntary remedial actions taken.

22 (Source: P.A. 98-1047, eff. 1-1-15.)

23 (20 ILCS 2105/2105-131 new)

24 Sec. 2105-131. Applicants with criminal convictions;  
25 notice of denial.

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

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

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

1 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 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 job  
20 duties.

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

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

1       license, certificate, or registration;

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

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

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

12       (20 ILCS 2105/2105-135)

13       Sec. 2105-135. Qualification for licensure or  
14       registration; good moral character; applicant conviction  
15       records.

16       (a) The practice of professions licensed or registered by  
17       the Department is hereby declared to affect the public health,  
18       safety, and welfare and to be subject to regulation and control  
19       in the public interest. It is further declared to be a matter  
20       of public interest and concern that persons who are licensed or  
21       registered to engage in any of the professions licensed or  
22       registered by the Department are of good moral character, which  
23       shall be a continuing requirement of licensure or registration  
24       so as to merit and receive the confidence and trust of the  
25       public. Upon a finding by the Department that a person has

1 committed a violation of the disciplinary grounds of any  
2 licensing Act administered by the Department with regard to  
3 licenses, certificates, or authorities of persons exercising  
4 the respective professions, trades, or occupations, the  
5 Department is authorized to revoke, suspend, refuse to renew,  
6 place on probationary status, fine, or take any other  
7 disciplinary action it deems warranted against any licensee or  
8 registrant whose conduct violates the continuing requirement  
9 of good moral character.

10 (b) No application for licensure or registration shall be  
11 denied by reason of a finding of lack of good moral character  
12 when the finding is based solely upon the fact that the  
13 applicant has previously been convicted of one or more criminal  
14 offenses. When reviewing a prior conviction of an initial  
15 applicant for the purpose of determining good moral character,  
16 the Department shall consider evidence of rehabilitation and  
17 mitigating factors in the applicant's record, including those  
18 set forth in subsection (a) of Section 2105-131 of this Act.

19 (c) 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 licensure or registration:

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 that Act;

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 charge or  
7           conviction;

8           (4) records of arrest where the charges were dismissed  
9           unless related to the practice of the profession; however,  
10          applicants shall not be asked to report any arrests, and an  
11          arrest not followed by a conviction shall not be the basis  
12          of a denial and may be used only to assess an applicant's  
13          rehabilitation;

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

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

17         (Source: P.A. 98-1047, eff. 1-1-15.)

18                 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

19                 Sec. 2105-205. Publication of disciplinary actions; annual  
20                 report.

21                 (a) The Department shall publish on its website, at least  
22                 monthly, final disciplinary actions taken by the Department  
23                 against a licensee or applicant pursuant to any licensing Act  
24                 administered by the Department. The specific disciplinary  
25                 action and the name of the applicant or licensee shall be



1 listed.

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

7 (1) the number of applicants for each new license,  
8 certificate, or registration administered by the  
9 Department in the previous calendar year;

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

13 (3) the number of applicants for a new license,  
14 certificate, or registration in the previous calendar year  
15 who were granted a license, registration, or certificate;

16 (4) the number of applicants for a new license,  
17 certificate, or registration within the previous calendar  
18 year with a criminal conviction who were granted a license,  
19 certificate, or registration in the previous calendar  
20 year;

21 (5) the number of applicants for a new license,  
22 certificate, or registration in the previous calendar year  
23 who were denied a license, registration, or certificate;

24 (6) the number of applicants for new license,  
25 certificate, or registration in the previous calendar year  
26 with a criminal conviction who were denied a license,

1 certificate, or registration in part or in whole because of  
2 such conviction;

3 (7) the number of licenses issued on probation within  
4 the previous calendar year to applicants with a criminal  
5 conviction; and

6 (8) the number of licensees or certificate holders who  
7 were granted expungement for a record of discipline based  
8 on a conviction predating licensure, certification, or  
9 registration or a criminal charge, arrest, or conviction  
10 that was dismissed, sealed, or expunged or did not arise  
11 from the regulated activity, as a share of the total such  
12 expungement requests.

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

14 (20 ILCS 2105/2105-207)

15 Sec. 2105-207. Records of Department actions.

16 (a) Any licensee subject to a licensing Act administered by  
17 the Division of Professional Regulation and who has been  
18 subject to disciplinary action by the Department may file an  
19 application with the Department on forms provided by the  
20 Department, along with the required fee of \$175 ~~\$200~~, to have  
21 the records classified as confidential, not for public release,  
22 and considered expunged for reporting purposes if:

23 (1) the application is submitted more than 3 ~~7~~ years  
24 after the disciplinary offense or offenses occurred or  
25 after restoration of the license, whichever is later;

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

4 (3) the Department has no pending investigations  
5 against the licensee; and

6 (4) the licensee is not currently in a disciplinary  
7 status.

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

11 (1) failure to pay taxes or student loans;

12 (2) continuing education;

13 (3) failure to renew a license on time;

14 (4) failure to obtain or renew a certificate of  
15 registration or ancillary license;

16 (5) advertising; ~~or~~

17 (5.1) discipline based on criminal charges or  
18 convictions:

19 (A) that did not arise from the licensed activity  
20 and was unrelated to the licensed activity; or

21 (B) that were dismissed or for which records have  
22 been sealed or expunged.

23 (5.2) past probationary status of a license issued to  
24 new applicants on the sole or partial basis of prior  
25 convictions; or

26 (6) any grounds for discipline removed from the

1           licensing Act.

2           (c) An application shall be submitted to and considered by  
3 the Director of the Division of Professional Regulation upon  
4 submission of an application and the required non-refundable  
5 fee. The Department may establish additional requirements by  
6 rule. The Department is not required to report the removal of  
7 any disciplinary record to any national database. Nothing in  
8 this Section shall prohibit the Department from using a  
9 previous discipline for any regulatory purpose or from  
10 releasing records of a previous discipline upon request from  
11 law enforcement, or other governmental body as permitted by  
12 law. Classification of records as confidential shall result in  
13 removal of records of discipline from records kept pursuant to  
14 Sections 2105-200 and 2105-205 of this Act.

15           (Source: P.A. 98-816, eff. 8-1-14.)

16           Section 10. The Criminal Identification Act is amended by  
17 changing Section 12 as follows:

18           (20 ILCS 2630/12)

19           Sec. 12. Entry of order; effect of expungement or sealing  
20 records.

21           (a) Except with respect to law enforcement agencies, the  
22 Department of Corrections, State's Attorneys, or other  
23 prosecutors, and as provided in Section 13 of this Act, an  
24 expunged or sealed record may not be considered by any private

1 or public entity in employment matters, certification,  
2 licensing, revocation of certification or licensure, or  
3 registration. Applications for employment must contain  
4 specific language which states that the applicant is not  
5 obligated to disclose sealed or expunged records of conviction  
6 or arrest. The entity authorized to grant a license,  
7 certification, or registration shall include in an application  
8 for licensure, certification, or registration specific  
9 language stating that the applicant is not obligated to  
10 disclose sealed or expunged records of a conviction or arrest;  
11 however, if the inclusion of that language in an application  
12 for licensure, certification, or registration is not  
13 practical, the entity shall publish on its website instructions  
14 specifying that applicants are not obligated to disclose sealed  
15 or expunged records of a conviction or arrest. Employers may  
16 not ask if an applicant has had records expunged or sealed.

17 (b) A person whose records have been sealed or expunged is  
18 not entitled to remission of any fines, costs, or other money  
19 paid as a consequence of the sealing or expungement. This  
20 amendatory Act of the 93rd General Assembly does not affect the  
21 right of the victim of a crime to prosecute or defend a civil  
22 action for damages. Persons engaged in civil litigation  
23 involving criminal records that have been sealed may petition  
24 the court to open the records for the limited purpose of using  
25 them in the course of litigation.

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

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

3 (35 ILCS 130/4) (from Ch. 120, par. 453.4)

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

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

15 (b) The address of the location at which the applicant  
16 proposes to engage in business as a distributor of  
17 cigarettes in this State;

18 (c) Such other additional information as the  
19 Department may lawfully require by its rules and  
20 regulations.

21 The annual license fee payable to the Department for each  
22 distributor's license shall be \$250. The purpose of such annual  
23 license fee is to defray the cost, to the Department, of  
24 serializing cigarette tax stamps. Each applicant for license

1 shall pay such fee to the Department at the time of submitting  
2 his application for license to the Department.

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

17 The following are ineligible to receive a distributor's  
18 license under this Act:

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

24 (2) a person who has been convicted of a felony  
25 under any Federal or State law, if the Department,  
26 after investigation and a hearing and consideration of

1           mitigating factors and evidence of rehabilitation  
2           contained in the applicant's record, including those  
3           in Section 4i, ~~if requested by the applicant,~~  
4           determines that such person has not been sufficiently  
5           rehabilitated to warrant the public trust and the  
6           conviction will impair the ability of the person to  
7           engage in the position for which a license is sought;

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

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

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

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



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

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

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

26           (f) has been found by the Department, after

1 notice and a hearing, to have made a material false  
2 statement in the application or has failed to  
3 produce records required to be maintained by this  
4 Act.

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

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

24 Any person aggrieved by any decision of the Department  
25 under this Section may, within 20 days after notice of the  
26 decision, protest and request a hearing. Upon receiving a

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

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

10 (35 ILCS 130/4b) (from Ch. 120, par. 453.4b)

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

24 The following are ineligible to receive a distributor's  
25 permit under this subsection:

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

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

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

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

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

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

1 permit under this Act.

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

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

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

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

23 (2) a person who has been convicted of a felony under  
24 any federal or State law, if the Department, after  
25 investigation and a hearing and consideration of  
26 mitigating factors and evidence of rehabilitation

1       contained in the applicant's record, including those set  
2       forth in Section 4i of this Act, ~~if requested by the~~  
3       ~~applicant,~~ determines that the person has not been  
4       sufficiently rehabilitated to warrant the public trust and  
5       the conviction will impair the ability of the person to  
6       engage in the position for which a permit is sought; and

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

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

1 imposed by this Act with respect to the distribution of those  
2 cigarettes.

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

24 Such permit may be suspended, canceled, or revoked whenever  
25 the permittee violates any provision of this Act or any lawful  
26 rule or regulation issued by the Department pursuant to this



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

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

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

14 (35 ILCS 130/4c)

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

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

25 (2) the address of the location at which the applicant

1 proposes to engage in business as a secondary distributor  
2 of cigarettes in this State; and

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

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

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

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

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

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

1 warrant the public trust and the conviction will impair the  
2 ability of the person to engage in the position for which a  
3 license is sought;

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

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

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

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

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

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

1           1681a;

2           (D) has been found by the Department, after notice  
3           and a hearing, to have imported or caused to be  
4           imported into the United States for sale or  
5           distribution or manufactured for sale or distribution  
6           in the United States any cigarette that does not fully  
7           comply with the Federal Cigarette Labeling and  
8           Advertising Act (15 U.S.C. 1331, et seq.); or

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

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

1 compensable property right in a license issued under this Act.

2 A licensed secondary distributor shall notify the  
3 Department of any change in the information contained on the  
4 application form, including any change in ownership, and shall  
5 do so within 30 days after any such change.

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

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

18 (35 ILCS 130/4i new)

19 Sec. 4i. 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 or permit 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) The Department, upon a finding that an applicant for a  
13 license or permit was previously convicted of a felony under  
14 any federal or State law, shall consider any mitigating factors  
15 and evidence of rehabilitation contained in the applicant's  
16 record, including any of the following factors and evidence, to  
17 determine if the applicant has been sufficiently rehabilitated  
18 and whether a prior conviction will impair the ability of the  
19 applicant to engage in the position for which a license or  
20 permit is sought:

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 or permit is sought;

25 (2) whether 5 years since a felony conviction or 3  
26 years since release from confinement for the conviction,

1 whichever is later, have passed without a subsequent  
2 conviction;

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

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

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

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

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

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

1       (c) If the Department refuses to issue a license or permit  
2 to an applicant, then the Department shall notify the applicant  
3 of the denial in writing with the following included in the  
4 notice of denial:

5           (1) a statement about the decision to refuse to issue a  
6 license or permit;

7           (2) a list of the convictions that the Department  
8 determined will impair the applicant's ability to engage in  
9 the position for which a license or permit is sought;

10          (3) a list of convictions that formed the sole or  
11 partial basis for the refusal to issue a license or permit;  
12 and

13          (4) 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 or  
19 permit applications during the preceding calendar year. Each  
20 report shall show, at a minimum:

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

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



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

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

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

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

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

18           (55 ILCS 5/5-10004) (from Ch. 34, par. 5-10004)

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

22           (1) Submits a written application for a license, which  
23           application shall state, and the applicant shall state under  
24           oath:

1 (a) The name, address, and residence of the applicant,  
2 and the length of time he has lived at that residence;<sup>i+</sup>

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

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

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

13 (2) And who establishes:

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

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

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

23 (55 ILCS 5/5-10004a new)

24 Sec. 5-10004a. Applicant convictions.

25 (a) Applicants shall not be required to report the

1 following information and the following information shall not  
2 be considered in connection with an application for a license  
3 under this Act:

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

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

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

14 (4) Convictions overturned by a higher court.

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

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

22 (c) The county board, upon finding that an applicant for a  
23 license under this Act has a prior conviction for a felony,  
24 shall consider any evidence of rehabilitation and mitigating  
25 factors contained in the applicant's record, including any of  
26 the following factors and evidence, to determine if the

1 conviction will impair the ability of the applicant to engage  
2 in the position for which a license is sought:

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) If the county board refuses to issue a license to an  
10 applicant, then the county board shall notify the applicant of  
11 the denial in writing with the following included in the notice  
12 of denial:

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

15 (2) a list of the convictions that the county board  
16 determined will impair the applicant's ability to engage in  
17 the position for which a license is sought;

18 (3) a list of convictions that formed the sole or  
19 partial basis for the refusal to issue a license; and

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

23 (e) No later than May 1 of each year, the board 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 a 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; and

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 whole or in part because of a prior conviction.

20 Section 25. The Illinois Insurance Code is amended by  
21 changing Sections 500-30, 500-70, 1525, and 1555 and by adding  
22 Sections 500-76 and 1550 as follows:

23 (215 ILCS 5/500-30)

24 (Section scheduled to be repealed on January 1, 2027)

1           Sec. 500-30. Application for license.

2           (a) An individual applying for a resident insurance  
3 producer license must make application on a form specified by  
4 the Director and declare under penalty of refusal, suspension,  
5 or revocation of the license that the statements made in the  
6 application are true, correct, and complete to the best of the  
7 individual's knowledge and belief. Before approving the  
8 application, the Director must find that the individual:

9                 (1) is at least 18 years of age;

10                (2) has not committed any act that is a ground for  
11 denial, suspension, or revocation set forth in Section  
12 500-70 or 500-76 or the individual who committed the act  
13 has been sufficiently rehabilitated;

14                (3) has completed, if required by the Director, a  
15 pre-licensing course of study before the insurance exam for  
16 the lines of authority for which the individual has applied  
17 (an individual who successfully completes the Fire and  
18 Casualty pre-licensing courses also meets the requirements  
19 for Personal Lines-Property and Casualty);

20                (4) has paid the fees set forth in Section 500-135; and

21                (5) has successfully passed the examinations for the  
22 lines of authority for which the person has applied.

23           (b) A pre-licensing course of study for each class of  
24 insurance for which an insurance producer license is requested  
25 must be established in accordance with rules prescribed by the  
26 Director and must consist of the following minimum hours:

1	Class of Insurance	Number of
2		Hours
3	Life (Class 1 (a))	20
4	Accident and Health (Class 1(b) or 2(a))	20
5	Fire (Class 3)	20
6	Casualty (Class 2)	20
7	Personal Lines-Property Casualty	20
8	Motor Vehicle (Class 2(b) or 3(e))	12.5

9       7.5 hours of each pre-licensing course must be completed in  
10 a classroom setting, except Motor Vehicle, which would require  
11 5 hours in a classroom setting.

12       (c) A business entity acting as an insurance producer must  
13 obtain an insurance producer license. Application must be made  
14 using the Uniform Business Entity Application. Before  
15 approving the application, the Director must find that:

16           (1) the business entity has paid the fees set forth in  
17 Section 500-135; and

18           (2) the business entity has designated a licensed  
19 producer responsible for the business entity's compliance  
20 with the insurance laws and rules of this State.

21       (d) The Director may require any documents reasonably  
22 necessary to verify the information contained in an  
23 application.

24 (Source: P.A. 96-839, eff. 1-1-10.)



1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 500-70. License denial, nonrenewal, or revocation.

3 (a) The Director may place on probation, suspend, revoke,  
4 or refuse to issue or renew an insurance producer's license or  
5 may levy a civil penalty in accordance with this Section or  
6 take any combination of actions, for any one or more of the  
7 following causes:

8 (1) providing incorrect, misleading, incomplete, or  
9 materially untrue information in the license application;

10 (2) violating any insurance laws, or violating any  
11 rule, subpoena, or order of the Director or of another  
12 state's insurance commissioner;

13 (3) obtaining or attempting to obtain a license through  
14 misrepresentation or fraud;

15 (4) improperly withholding, misappropriating or  
16 converting any moneys or properties received in the course  
17 of doing insurance business;

18 (5) intentionally misrepresenting the terms of an  
19 actual or proposed insurance contract or application for  
20 insurance;

21 (6) for licensees, having been convicted of a felony,  
22 unless the individual demonstrates to the Director  
23 sufficient rehabilitation to warrant the public trust;

24 (7) having admitted or been found to have committed any  
25 insurance unfair trade practice or fraud;

26 (8) using fraudulent, coercive, or dishonest

1 practices, or demonstrating incompetence,  
2 untrustworthiness or financial irresponsibility in the  
3 conduct of business in this State or elsewhere;

4 (9) having an insurance producer license, or its  
5 equivalent, denied, suspended, or revoked in any other  
6 state, province, district or territory;

7 (10) forging a name to an application for insurance or  
8 to a document related to an insurance transaction;

9 (11) improperly using notes or any other reference  
10 material to complete an examination for an insurance  
11 license;

12 (12) knowingly accepting insurance business from an  
13 individual who is not licensed;

14 (13) failing to comply with an administrative or court  
15 order imposing a child support obligation;

16 (14) failing to pay state income tax or penalty or  
17 interest or comply with any administrative or court order  
18 directing payment of state income tax or failed to file a  
19 return or to pay any final assessment of any tax due to the  
20 Department of Revenue;

21 (15) failing to make satisfactory repayment to the  
22 Illinois Student Assistance Commission for a delinquent or  
23 defaulted student loan; or

24 (16) failing to comply with any provision of the  
25 Viatical Settlements Act of 2009.

26 (b) If the action by the Director is to nonrenew, suspend,

1 or revoke a license or to deny an application for a license,  
2 the Director shall notify the applicant or licensee and advise,  
3 in writing, the applicant or licensee of the reason for the  
4 suspension, revocation, denial or nonrenewal of the  
5 applicant's or licensee's license. The applicant or licensee  
6 may make written demand upon the Director within 30 days after  
7 the date of mailing for a hearing before the Director to  
8 determine the reasonableness of the Director's action. The  
9 hearing must be held within not fewer than 20 days nor more  
10 than 30 days after the mailing of the notice of hearing and  
11 shall be held pursuant to 50 Ill. Adm. Code 2402.

12 (c) The license of a business entity may be suspended,  
13 revoked, or refused if the Director finds, after hearing, that  
14 an individual licensee's violation was known or should have  
15 been known by one or more of the partners, officers, or  
16 managers acting on behalf of the partnership, corporation,  
17 limited liability company, or limited liability partnership  
18 and the violation was neither reported to the Director nor  
19 corrective action taken.

20 (d) In addition to or instead of any applicable denial,  
21 suspension, or revocation of a license, a person may, after  
22 hearing, be subject to a civil penalty of up to \$10,000 for  
23 each cause for denial, suspension, or revocation, however, the  
24 civil penalty may total no more than \$100,000.

25 (e) The Director has the authority to enforce the  
26 provisions of and impose any penalty or remedy authorized by

1 this Article against any person who is under investigation for  
2 or charged with a violation of this Code or rules even if the  
3 person's license or registration has been surrendered or has  
4 lapsed by operation of law.

5 (f) Upon the suspension, denial, or revocation of a  
6 license, the licensee or other person having possession or  
7 custody of the license shall promptly deliver it to the  
8 Director in person or by mail. The Director shall publish all  
9 suspensions, denials, or revocations after the suspensions,  
10 denials, or revocations become final in a manner designed to  
11 notify interested insurance companies and other persons.

12 (g) A person whose license is revoked or whose application  
13 is denied pursuant to this Section is ineligible to apply for  
14 any license for 3 years after the revocation or denial. A  
15 person whose license as an insurance producer has been revoked,  
16 suspended, or denied may not be employed, contracted, or  
17 engaged in any insurance related capacity during the time the  
18 revocation, suspension, or denial is in effect.

19 (Source: P.A. 96-736, eff. 7-1-10.)

20 (215 ILCS 5/500-76 new)

21 Sec. 500-76. Applicant convictions.

22 (a) The Director and the Department shall not require  
23 applicants to report the following information and shall not  
24 collect and consider the following criminal history records in  
25 connection with an insurance producer license application:

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           that Act.

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 charge or  
11           conviction.

12           (4) Records of arrest where charges were dismissed  
13           unless related to the duties and responsibilities of an  
14           insurance producer. However, applicants shall not be asked  
15           to report any arrests, and any arrest not followed by a  
16           conviction shall not be the basis of a denial and may be  
17           used only to assess an applicant's rehabilitation.

18           (5) Convictions overturned by a higher court.

19           (6) Convictions or arrests that have been sealed or  
20           expunged.

21           (b) The Director, upon a finding that an applicant for a  
22           license under this Act was previously convicted of a felony,  
23           shall consider any mitigating factors and evidence of  
24           rehabilitation contained in the applicant's record, including  
25           any of the following factors and evidence, to determine if the  
26           prior conviction will impair the ability of the applicant to

1 engage in the position for which a license is sought:

2 (1) the bearing, if any, of the offense for which the  
3 applicant was previously convicted on the duties and  
4 functions of the position for which a license is sought;

5 (2) whether the conviction suggests a future  
6 propensity to endanger the safety and property of others  
7 while performing the duties and responsibilities for which  
8 a license is sought;

9 (3) 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 (4) if the applicant was previously licensed or  
14 employed in this State or other states or jurisdictions,  
15 then the lack of prior misconduct arising from or related  
16 to the licensed position or position of employment;

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

19 (6) 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 (7) evidence of the applicant's present fitness and  
25 professional character;

26 (8) 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 certificate of relief from  
5 disabilities under Section 5-5.5-10 of the Unified Code of  
6 Corrections; and

7 (9) any other mitigating factors that contribute to the  
8 person's potential and current ability to perform the  
9 duties and responsibilities of an insurance producer.

10 (c) If a nonresident licensee meets the standards set forth  
11 in items (1) through (4) of subsection (a) of Section 500-40  
12 and has received consent pursuant to 18 U.S.C. 1033(e) (2) from  
13 his or her home state, the Director shall grant the nonresident  
14 licensee a license.

15 (d) If the Director refuses to issue a license to an  
16 applicant based upon a conviction or convictions in whole or in  
17 part, then the Director shall notify the applicant of the  
18 denial in writing with the following included in the notice of  
19 denial:

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

22 (2) a list of convictions that the Director determined  
23 will impair the applicant's ability to engage in the  
24 position for which a license is sought;

25 (3) a list of the convictions that were the sole or  
26 partial basis for the refusal to issue a license; and

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

4           (215 ILCS 5/1525)

5           Sec. 1525. Resident license.

6           (a) Before issuing a public adjuster license to an  
7           applicant under this Section, the Director shall find that the  
8           applicant:

9                 (1) is eligible to designate this State as his or her  
10                home state or is a nonresident who is not eligible for a  
11                license under Section 1540;

12               (2) is sufficiently rehabilitated in cases in which the  
13               applicant has ~~not~~ committed any act that is a ground for  
14               denial, suspension, or revocation of a license as set forth  
15               in Section 1555;

16               (3) is trustworthy, reliable, competent, and of good  
17               reputation, evidence of which may be determined by the  
18               Director;

19               (4) is financially responsible to exercise the license  
20               and has provided proof of financial responsibility as  
21               required in Section 1560 of this Article; and

22               (5) maintains an office in the home state of residence  
23               with public access by reasonable appointment or regular  
24               business hours. This includes a designated office within a  
25               home state of residence.



1 (b) In addition to satisfying the requirements of  
2 subsection (a) of this Section, an individual shall:

3 (1) be at least 18 years of age;

4 (2) have successfully passed the public adjuster  
5 examination;

6 (3) designate a licensed individual public adjuster  
7 responsible for the business entity's compliance with the  
8 insurance laws, rules, and regulations of this State; and

9 (4) designate only licensed individual public  
10 adjusters to exercise the business entity's license.

11 (c) The Director may require any documents reasonably  
12 necessary to verify the information contained in the  
13 application.

14 (Source: P.A. 96-1332, eff. 1-1-11.)

15 (215 ILCS 5/1550 new)

16 Sec. 1550. Applicant convictions.

17 (a) The Director and the Department shall not require  
18 applicants to report the following information and shall not  
19 collect or consider the following criminal history records in  
20 connection with a public adjuster license application:

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 that Act.

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 formal charge  
6 or conviction.

7 (4) Records of arrest where charges were dismissed  
8 unless related to the duties and responsibilities of a  
9 public adjuster. However, applicants shall not be asked to  
10 report any arrests, and any arrest not followed by a  
11 conviction shall not be the basis of a denial and may be  
12 used only to assess an applicant's rehabilitation.

13 (5) Convictions overturned by a higher court.

14 (6) Convictions or arrests that have been sealed or  
15 expunged.

16 (b) The Director, upon a finding that an applicant for a  
17 license under this Act was previously convicted of any felony  
18 or a misdemeanor directly related to the practice of the  
19 profession, shall consider any mitigating factors and evidence  
20 of rehabilitation contained in the applicant's record,  
21 including any of the following factors and evidence, to  
22 determine if the prior conviction will impair the ability of  
23 the applicant to engage in the position for which a license is  
24 sought:

25 (1) the bearing, if any, of the offense for which the  
26 applicant was previously convicted on the duties,

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

3 (2) whether the conviction suggests a future  
4 propensity to endanger the safety and property of others  
5 while performing the duties and responsibilities for which  
6 a license is sought;

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

11 (4) 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 (5) successful completion of sentence and, for  
16 applicants serving a term of parole or probation, a  
17 progress report provided by the applicant's probation or  
18 parole officer that documents the applicant's compliance  
19 with conditions of supervision;

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

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

1 disabilities under Section 5-5.5-10 of the Unified Code of  
2 Corrections; and

3 (8) any other mitigating factors that contribute to the  
4 person's potential and current ability to perform the  
5 duties and responsibilities of a public adjuster.

6 (c) If a nonresident licensee meets the standards set forth  
7 in items (1) through (4) of subsection (a) of Section 1540 and  
8 has received consent pursuant to 18 U.S.C. 1033(e) (2) from his  
9 or her home state, the Director shall grant the nonresident  
10 licensee a license.

11 (d) If the Director refuses to issue a license to an  
12 applicant based on a conviction or convictions, in whole or in  
13 part, then the Director shall notify the applicant of the  
14 denial in writing with the following included in the notice of  
15 denial:

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

18 (2) a list of convictions that the Director determined  
19 will impair the applicant's ability to engage in the  
20 position for which a license is sought;

21 (3) a list of the convictions that were the sole or  
22 partial basis for the refusal to issue a license; and

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

1 (215 ILCS 5/1555)

2 Sec. 1555. License denial, nonrenewal, or revocation.

3 (a) The Director may place on probation, suspend, revoke,  
4 deny, or refuse to issue or renew a public adjuster's license  
5 or may levy a civil penalty or any combination of actions, for  
6 any one or more of the following causes:

7 (1) providing incorrect, misleading, incomplete, or  
8 materially untrue information in the license application;

9 (2) violating any insurance laws, or violating any  
10 regulation, subpoena, or order of the Director or of  
11 another state's Director;

12 (3) obtaining or attempting to obtain a license through  
13 misrepresentation or fraud;

14 (4) improperly withholding, misappropriating, or  
15 converting any monies or properties received in the course  
16 of doing insurance business;

17 (5) intentionally misrepresenting the terms of an  
18 actual or proposed insurance contract or application for  
19 insurance;

20 (6) for licensees, having been convicted of a felony or  
21 misdemeanor involving dishonesty or fraud, unless the  
22 individual demonstrates to the Director sufficient  
23 rehabilitation to warrant the public trust;

24 (7) having admitted or been found to have committed any  
25 insurance unfair trade practice or insurance fraud;

26 (8) using fraudulent, coercive, or dishonest

1 practices; or demonstrating incompetence,  
2 untrustworthiness, or financial irresponsibility in the  
3 conduct of business in this State or elsewhere;

4 (9) having an insurance license or public adjuster  
5 license or its equivalent, denied, suspended, or revoked in  
6 any other state, province, district, or territory;

7 (10) forging another's name to an application for  
8 insurance or to any document related to an insurance  
9 transaction;

10 (11) cheating, including improperly using notes or any  
11 other reference material, to complete an examination for an  
12 insurance license or public adjuster license;

13 (12) knowingly accepting insurance business from or  
14 transacting business with an individual who is not licensed  
15 but who is required to be licensed by the Director;

16 (13) failing to comply with an administrative or court  
17 order imposing a child support obligation;

18 (14) failing to pay State income tax or comply with any  
19 administrative or court order directing payment of State  
20 income tax;

21 (15) failing to comply with or having violated any of  
22 the standards set forth in Section 1590 of this Law; or

23 (16) failing to maintain the records required by  
24 Section 1585 of this Law.

25 (b) If the action by the Director is to nonrenew, suspend,  
26 or revoke a license or to deny an application for a license,

1 the Director shall notify the applicant or licensee and advise,  
2 in writing, the applicant or licensee of the reason for the  
3 suspension, revocation, denial, or nonrenewal of the  
4 applicant's or licensee's license. The applicant or licensee  
5 may make written demand upon the Director within 30 days after  
6 the date of mailing for a hearing before the Director to  
7 determine the reasonableness of the Director's action. The  
8 hearing must be held within not fewer than 20 days nor more  
9 than 30 days after the mailing of the notice of hearing and  
10 shall be held pursuant to 50 Ill. Adm. Code 2402.

11 (c) The license of a business entity may be suspended,  
12 revoked, or refused if the Director finds, after hearing, that  
13 an individual licensee's violation was known or should have  
14 been known by one or more of the partners, officers, or  
15 managers acting on behalf of the business entity and the  
16 violation was neither reported to the Director, nor corrective  
17 action taken.

18 (d) In addition to or in lieu of any applicable denial,  
19 suspension or revocation of a license, a person may, after  
20 hearing, be subject to a civil penalty. In addition to or  
21 instead of any applicable denial, suspension, or revocation of  
22 a license, a person may, after hearing, be subject to a civil  
23 penalty of up to \$10,000 for each cause for denial, suspension,  
24 or revocation, however, the civil penalty may total no more  
25 than \$100,000.

26 (e) The Director shall retain the authority to enforce the

1 provisions of and impose any penalty or remedy authorized by  
2 this Article against any person who is under investigation for  
3 or charged with a violation of this Article even if the  
4 person's license or registration has been surrendered or has  
5 lapsed by operation of law.

6 (f) Any individual whose public adjuster's license is  
7 revoked or whose application is denied pursuant to this Section  
8 shall be ineligible to apply for a public adjuster's license  
9 for 5 years. A suspension pursuant to this Section may be for  
10 any period of time up to 5 years.

11 (Source: P.A. 96-1332, eff. 1-1-11.)

12 Section 30. The Pyrotechnic Distributor and Operator  
13 Licensing Act is amended by changing Section 35 and by adding  
14 Section 36 as follows:

15 (225 ILCS 227/35)

16 Sec. 35. Licensure requirements and fees.

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

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

23 (c) After January 1, 2006, no person may engage in  
24 pyrotechnic distribution without first applying for and



1 obtaining a license from the Office. Applicants for a license  
2 must submit to the Office the following:

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

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

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

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

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

12 (6) Proof of a current United States Department of  
13 Transportation (DOT) Identification Number.

14 (7) Proof of a current USDOT Hazardous Materials  
15 Registration Number.

16 (8) Proof of having the requisite knowledge, either  
17 through training, examination, or continuing education, as  
18 established by Office rule.

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

1 production company license must submit to the Office the  
2 following:

3 (1) Proof of \$2,000,000 in commercial general  
4 liability insurance that covers any damage or injury  
5 resulting from the pyrotechnic displays or pyrotechnic  
6 services provided.

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

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

9 (4) Proof of a current USDOT Identification Number,  
10 unless:

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

16 (B) the production company certifies under penalty  
17 of perjury that it engages only in flame effects or  
18 never transports materials in quantities that require  
19 registration with USDOT, or both.

20 (5) Proof of a current USDOT Hazardous Materials  
21 Registration Number, unless:

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

1           (B) the production company certifies under penalty  
2           of perjury that it engages only in flame effects or  
3           never transports materials in quantities that require  
4           registration with USDOT, or both.

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

10          The insurer shall not cancel the insured's coverage or  
11          remove any additional named insured or additional insured from  
12          the policy coverage without notifying the Office in writing at  
13          least 15 days before cancellation.

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

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

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

23                (3) (Blank).

24          (d) A person is qualified to receive a license under this  
25          Act if the person meets all of the following minimum  
26          requirements:

- 1 (1) Is at least 21 years of age.
- 2 (2) Has not willfully violated any provisions of this  
3 Act.
- 4 (3) Has not made any material misstatement or knowingly  
5 withheld information in connection with any original or  
6 renewal application.
- 7 (4) Has not been declared incompetent by any competent  
8 court by reasons of mental or physical defect or disease  
9 unless a court has since declared the person competent.
- 10 (5) Does not have an addiction to or dependency on  
11 alcohol or drugs that is likely to endanger the public at a  
12 pyrotechnic display.
- 13 (6) If convicted ~~Has not been convicted~~ in any  
14 jurisdiction of any felony within the prior 5 years, will  
15 not, by the Office's determination, be impaired by such  
16 conviction in engaging in the position for which a license  
17 in sought.
- 18 (7) Is not a fugitive from justice.
- 19 (8) Has, or has applied for, a BATFE explosives license  
20 or a Letter of Clearance from the BATFE.
- 21 (9) If a lead pyrotechnic operator is employed by a  
22 political subdivision of the State or by a licensed  
23 production company or is insured as an additional named  
24 insured on the production company's general liability  
25 insurance, as required under paragraph (1) of subsection  
26 (c-3) of this Section, he or she shall have a BATFE license

1 for the pyrotechnic services or pyrotechnic display  
2 provided.

3 (10) If a production company has not provided proof of  
4 a current USDOT Identification Number and a current USDOT  
5 Hazardous Materials Registration Number, as required by  
6 paragraphs (5) and (6) of subsection (c-3) of this Section,  
7 then the lead pyrotechnic operator employed by the  
8 production company or insured as an additional named  
9 insured on the production company's general liability  
10 insurance, as required under paragraph (1) of subsection  
11 (c-3) of this Section, shall provide such proof to the  
12 Office.

13 (e) A person is qualified to assist a lead pyrotechnic  
14 operator if the person meets all of the following minimum  
15 requirements:

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

17 (2) Has not willfully violated any provision of this  
18 Act.

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

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

25 (5) If convicted ~~Has not been convicted~~ in any  
26 jurisdiction of any felony within the prior 5 years, will

1 not, by the Office's determination, be impaired by such  
2 conviction in engaging in the position for which a license  
3 in sought.

4 (6) Is not a fugitive from justice.

5 (7) Is employed as an employee of the licensed  
6 pyrotechnic distributor or the licensed production  
7 company, or insured as an additional named insured on the  
8 pyrotechnic distributor's product liability and general  
9 liability insurance, as required under paragraphs (2) and  
10 (3) of subsection (c) of this Section, or insured as an  
11 additional named insured on the production company's  
12 general liability insurance, as required under paragraph  
13 (1) of subsection (c-3) of this Section.

14 (8) Has been registered with the Office by the licensed  
15 distributor or the licensed production company on a form  
16 provided by the Office prior to the time when the assistant  
17 begins work on the pyrotechnic display or pyrotechnic  
18 service.

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

20 (225 ILCS 227/36 new)

21 Sec. 36. Applicant convictions.

22 (a) The Office shall not require the applicant to report  
23 the following information and shall not consider the following  
24 criminal history records in connection with an application for  
25 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 reviewing, for the purpose of licensure, a  
15           conviction of any felony within the previous 5 years, the  
16           Office shall consider any evidence of rehabilitation and  
17           mitigating factors contained in the applicant's record,  
18           including any of the following factors and evidence, to  
19           determine if such conviction will impair the ability of the  
20           applicant to engage in the position for which a license is  
21           sought:

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) the amount of time that has elapsed since the

1 offense occurred;

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 specific licensed  
25 practice or employment position.

26 (c) If the Office refuses to issue a license to an



1 applicant, then the applicant shall be notified of the denial  
2 in writing 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 the Office  
6 determined will impair the applicant's ability to engage in  
7 the position for which a license is sought;

8 (3) a list of convictions that formed the sole or  
9 partial basis for the refusal to issue a license; and

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

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

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

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

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

26 (4) the number of applicants for a new or renewal

1       license with a criminal conviction who were granted a  
2       license under this Act within the previous calendar year;

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

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

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

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

16       Section 35. The Solid Waste Site Operator Certification Law  
17       is amended by changing Section 1005 and by adding Section  
18       1005-1 as follows:

19       (225 ILCS 230/1005) (from Ch. 111, par. 7855)

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

23       (a) To conduct examinations to ascertain the  
24       qualifications of applicants for certificates of competency as

1 solid waste site operators;

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

4 (c) To issue a certificate to any applicant who has  
5 satisfactorily met all the requirements pertaining to a  
6 certificate of competency as a solid waste site operator;

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

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

11 (2) Negligence or misconduct in the operation of a  
12 sanitary landfill;

13 (3) Repeated failure to comply with any of the  
14 requirements applicable to the operation of a sanitary  
15 landfill, except for Board requirements applicable to the  
16 collection of litter;

17 (4) Repeated violations of federal, State or local  
18 laws, regulations, standards, or ordinances regarding the  
19 operation of refuse disposal facilities or sites;

20 (5) For a holder of a certificate of registration,  
21 conviction ~~Conviction~~ in this or another State of any crime  
22 which is a felony under the laws of this State or  
23 conviction of a felony in a federal court; for an  
24 applicant, the provisions of Section 1005-1 apply;

25 (6) Proof of gross carelessness or incompetence in  
26 handling, storing, processing, transporting, or disposing

1 of any hazardous waste; or

2 (7) Being declared to be a person under a legal  
3 disability by a court of competent jurisdiction and not  
4 thereafter having been lawfully declared to be a person not  
5 under legal disability or to have recovered.

6 (e) To adopt rules necessary to perform its functions,  
7 powers, and duties with respect to solid waste site operator  
8 certifications.

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

10 (225 ILCS 230/1005-1 new)

11 Sec. 1005-1. Applicant convictions.

12 (a) The Agency shall not require applicants to report the  
13 following information and shall not consider the following  
14 criminal history records in connection with an application for  
15 certification 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 a conviction of any felony, the Agency  
5           shall consider any evidence of rehabilitation and mitigating  
6           factors contained in the applicant's record, including any of  
7           the following factors and evidence, to determine if such  
8           conviction will impair the ability of the applicant to engage  
9           in the position for which a certificate is sought:

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

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

18           (3) 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;

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

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

1 parole officer that documents the applicant's compliance  
2 with conditions of supervision;

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

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

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

16 (c) If the Agency refuses to issue a certificate to an  
17 applicant, then the Agency shall notify the applicant of the  
18 denial in writing with the following included in the notice of  
19 denial:

20 (1) a statement about the decision to refuse to grant  
21 certification;

22 (2) a list of the convictions that the Agency  
23 determined will impair the applicant's ability to engage in  
24 the position for which a certificate is sought;

25 (3) a list of convictions that formed the sole or  
26 partial basis for the refusal to issue a certificate; and

1           (4) a summary of the appeal process or the earliest the  
2           applicant may reapply for a certificate, whichever is  
3           applicable.

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

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

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

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

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

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

25           (6) the number of applicants for a new or renewal  
26           certification with a criminal conviction who were denied

1       certification under this Act in the previous calendar year  
2       in whole or in part because of a prior conviction.

3       Section 40. The Water Well and Pump Installation  
4       Contractor's License Act is amended by changing Section 15 and  
5       by adding Section 15.1 as follows:

6           (225 ILCS 345/15) (from Ch. 111, par. 7116)

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

8       Sec. 15. The Department may refuse to issue or renew, may  
9       suspend or may revoke a license on any one or more of the  
10       following grounds:

11           (1) Material misstatement in the application for license;

12           (2) Failure to have or retain the qualifications required  
13       by Section 9 of this Act;

14           (3) Wilful disregard or violation of this Act or of any  
15       rule or regulation promulgated by the Department pursuant  
16       thereto; or disregard or violation of any law of the state of  
17       Illinois or of any rule or regulation promulgated pursuant  
18       thereto relating to water well drilling or the installation of  
19       water pumps and equipment or any rule or regulation adopted  
20       pursuant thereto;

21           (4) Wilfully aiding or abetting another in the violation of  
22       this Act or any rule or regulation promulgated by the  
23       Department pursuant thereto;

24           (5) Incompetence in the performance of the work of a water



1 well contractor or of a water well pump installation  
2 contractor;

3 (6) Allowing the use of a license by someone other than the  
4 person in whose name it was issued;

5 (7) For licensees, conviction ~~Conviction~~ of any crime an  
6 essential element of which is misstatement, fraud or  
7 dishonesty, conviction in this or another State of any crime  
8 which is a felony under the laws of this State or the  
9 conviction in a federal court of any felony; for applicants,  
10 the provisions of Section 15.1 apply;

11 (8) Making substantial misrepresentations or false  
12 promises of a character likely to influence, persuade or induce  
13 in connection with the occupation of a water well contractor or  
14 a water well pump installation contractor.

15 (Source: P.A. 77-1626.)

16 (225 ILCS 345/15.1 new)

17 Sec. 15.1. Applicant convictions.

18 (a) The Department shall not require an applicant to  
19 provide 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 exclusions set forth in Section 5-130 of the  
25 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 charge or  
7           conviction.

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

14          (5) Convictions overturned by a higher court.

15          (6) Convictions or arrests that have been sealed or  
16          expunged.

17          (b) The Department, upon a finding that an applicant for a  
18          license was previously convicted of any felony or a misdemeanor  
19          directly related to the practice of the profession, shall  
20          consider any evidence of rehabilitation and mitigating factors  
21          contained in the applicant's record, including any of the  
22          following factors and evidence, to determine if the prior  
23          conviction will impair the ability of the applicant to engage  
24          in the position for which a license is sought:

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 job  
3           duties.

4           (c) If the Department refuses to issue a license to an  
5           applicant, then the Department shall notify the applicant of  
6           the denial in writing with the following included in the notice  
7           of denial:

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

10           (2) a list of the convictions that the Department  
11           determined will impair the applicant's ability to engage in  
12           the position for which a license is sought;

13           (3) a list of convictions that formed the sole or  
14           partial basis for the refusal to issue a license; and

15           (4) 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 Department 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 a minimum:

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

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

1 who had any criminal conviction;

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

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

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

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

15 Section 45. The Collateral Recovery Act is amended by  
16 changing Sections 40, 45, 80, and 85 as follows:

17 (225 ILCS 422/40)

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

19 Sec. 40. Qualifications for recovery manager;  
20 identification card.

21 (a) An applicant is qualified for licensure as a recovery  
22 manager if that person meets all of the following requirements:

23 (1) Is 21 years of age or older.

24 (2) If convicted of any felony and less than 7 years

1 have passed from the time of discharge from the sentence  
2 imposed, then a finding by the Commission that the  
3 conviction will not impair the applicant's ability to  
4 engage in the position requiring a license. Has not been  
5 convicted in any jurisdiction of any felony or at least 10  
6 years has passed from the time of discharge from any  
7 sentence imposed for a felony.

8 (3) Has completed no less than 2,500 hours of actual  
9 compensated collateral recovery work as an employee of a  
10 repossession agency, a financial institution, or a vehicle  
11 dealer within the 5 years immediately preceding the filing  
12 of an application, acceptable proof of which must be  
13 submitted to the Commission.

14 (4) Has submitted to the Commission 2 sets of  
15 fingerprints, which shall be checked against the  
16 fingerprint records on file with the Illinois State Police  
17 and the Federal Bureau of Investigation in the manner set  
18 forth in Section 60 of this Act.

19 (5) Has successfully completed a certification program  
20 approved by the Commission.

21 (6) Has paid the required application fees.

22 (b) Upon the issuance of a recovery manager license, the  
23 Commission shall issue the license holder a suitable pocket  
24 identification card that shall include a photograph of the  
25 license holder. The identification card must contain the name  
26 of the license holder and any other information required by the

1 Commission. An applicant who is 21 years of age or older  
2 seeking a religious exemption to the photograph requirement of  
3 this subsection shall furnish with his or her application an  
4 approved copy of United States Department of the Treasury  
5 Internal Revenue Service Form 4029.

6 (c) A recovery manager license is not transferable.

7 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

8 (225 ILCS 422/45)

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

10 Sec. 45. Repossession agency employee requirements.

11 (a) All employees of a licensed repossession agency whose  
12 duties include the actual repossession of collateral must apply  
13 for a recovery permit. The holder of a repossession agency  
14 license issued under this Act, known in this Section as the  
15 "employer", may employ in the conduct of the business under the  
16 following provisions:

17 (1) No person may be issued a recovery permit who meets  
18 any of the following criteria:

19 (A) Is younger than 21 years of age.

20 (B) Has been determined by the Commission to be  
21 unfit by reason of conviction of an offense in this or  
22 another state, other than a minor traffic offense, that  
23 the Commission determines will impair the ability of  
24 the person to engage in the position for which a permit  
25 is sought. The Commission shall adopt rules for making

1           those determinations.

2           (C) Has had a license or recovery permit denied,  
3           suspended, or revoked under this Act.

4           (D) Has not successfully completed a certification  
5           program approved by the Commission.

6           (2) No person may be employed by a repossession agency  
7           under this Section until he or she has executed and  
8           furnished to the Commission, on forms furnished by the  
9           Commission, a verified statement to be known as an  
10          "Employee's Statement" setting forth all of the following:

11           (A) The person's full name, age, and residence  
12           address.

13           (B) The business or occupation engaged in for the 5  
14           years immediately before the date of the execution of  
15           the statement, the place where the business or  
16           occupation was engaged in, and the names of the  
17           employers, if any.

18           (C) That the person has not had a license or  
19           recovery permit denied, revoked, or suspended under  
20           this Act.

21           (D) Any conviction of a felony, except as provided  
22           for in Section 85.

23           (E) Any other information as may be required by any  
24           rule of the Commission to show the good character,  
25           competency, and integrity of the person executing the  
26           statement.



1           (b) Each applicant for a recovery permit shall have his or  
2 her fingerprints submitted to the Commission by a Live Scan  
3 fingerprint vendor certified by the Illinois State Police under  
4 the Private Detective, Private Alarm, Private Security,  
5 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic  
6 format that complies with the form and manner for requesting  
7 and furnishing criminal history record information as  
8 prescribed by the Illinois State Police. These fingerprints  
9 shall be checked against the Illinois State Police and Federal  
10 Bureau of Investigation criminal history record databases now  
11 and hereafter filed. The Commission shall charge applicants a  
12 fee for conducting the criminal history records check, which  
13 shall not exceed the actual cost of the records check. The  
14 Illinois Commerce Commission Police shall furnish, pursuant to  
15 positive identification, records of Illinois convictions to  
16 the Commission. The Commission, in its discretion, may allow an  
17 applicant who does not have reasonable access to a designated  
18 vendor to provide his or her fingerprints in an alternative  
19 manner. The Commission, in its discretion, may also use other  
20 procedures in performing or obtaining criminal history records  
21 checks of applicants. Instead of submitting his or her  
22 fingerprints, an individual may submit proof that is  
23 satisfactory to the Commission that an equivalent security  
24 clearance has been conducted.

25           (c) Qualified applicants shall purchase a recovery permit  
26 from the Commission and in a form that the Commission

1 prescribes. The Commission shall notify the submitting person  
2 within 10 days after receipt of the application of its intent  
3 to issue or deny the recovery permit. The holder of a recovery  
4 permit shall carry the recovery permit at all times while  
5 actually engaged in the performance of the duties of his or her  
6 employment. No recovery permit shall be effective unless  
7 accompanied by a license issued by the Commission. Expiration  
8 and requirements for renewal of recovery permits shall be  
9 established by rule of the Commission. Possession of a recovery  
10 permit does not in any way imply that the holder of the  
11 recovery permit is employed by any agency unless the recovery  
12 permit is accompanied by the employee identification card  
13 required by subsection (e) of this Section.

14 (d) Each employer shall maintain a record of each employee  
15 that is accessible to the duly authorized representatives of  
16 the Commission. The record shall contain all of the following  
17 information:

18 (1) A photograph taken within 10 days after the date  
19 that the employee begins employment with the employer. The  
20 photograph shall be replaced with a current photograph  
21 every 3 calendar years.

22 (2) The Employee's Statement specified in paragraph  
23 (2) of subsection (a) of this Section.

24 (3) All correspondence or documents relating to the  
25 character and integrity of the employee received by the  
26 employer from any official source or law enforcement

1 agency.

2 (4) In the case of former employees, the employee  
3 identification card of that person issued under subsection  
4 (e) of this Section.

5 (e) Every employer shall furnish an employee  
6 identification card to each of his or her employees. This  
7 subsection (e) shall not apply to office or clerical personnel.  
8 This employee identification card shall contain a recent  
9 photograph of the employee, the employee's name, the name and  
10 agency license number of the employer, the employee's personal  
11 description, the signature of the employer, the signature of  
12 that employee, the date of issuance, and an employee  
13 identification card number.

14 (f) No employer may issue an employee identification card  
15 to any person who is not employed by the employer in accordance  
16 with this Section or falsely state or represent that a person  
17 is or has been in his or her employ. It is unlawful for an  
18 applicant for registration to file with the Commission the  
19 fingerprints of a person other than himself or herself or to  
20 fail to exercise due diligence in resubmitting replacement  
21 fingerprints for those employees who have had original  
22 fingerprint submissions returned as unclassifiable. An agency  
23 shall inform the Commission within 15 days after contracting or  
24 employing a licensed repossession agency employee. The  
25 Commission shall develop a registration process by rule.

26 (g) Every employer shall obtain the identification card of

1 every employee who terminates employment with the employer. An  
2 employer shall immediately report an identification card that  
3 is lost or stolen to the local police department having  
4 jurisdiction over the repossession agency location.

5 (h) No agency may employ any person to perform any activity  
6 under this Act unless the person possesses a valid license or  
7 recovery permit under this Act.

8 (i) If information is discovered affecting the  
9 registration of a person whose fingerprints were submitted  
10 under this Section, then the Commission shall so notify the  
11 agency that submitted the fingerprints on behalf of that  
12 person.

13 (j) A person employed under this Section shall have 15  
14 business days within which to notify the Commission of any  
15 change in employer, but may continue working under any other  
16 recovery permits granted as an employee or independent  
17 contractor.

18 (k) This Section applies only to those employees of  
19 licensed repossession agencies whose duties include actual  
20 repossession of collateral.

21 (l) An applicant who is 21 years of age or older seeking a  
22 religious exemption to the photograph requirement of this  
23 Section shall furnish with his or her application an approved  
24 copy of United States Department of the Treasury Internal  
25 Revenue Service Form 4029. Regardless of age, an applicant  
26 seeking a religious exemption to this photograph requirement

1 shall submit fingerprints in a form and manner prescribed by  
2 the Commission with his or her application in lieu of a  
3 photograph.

4 (Source: P.A. 97-576, eff. 7-1-12; 98-848, eff. 1-1-15.)

5 (225 ILCS 422/80)

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

7 Sec. 80. Refusal, revocation, or suspension.

8 (a) The Commission may refuse to issue or renew or may  
9 revoke any license or recovery permit or may suspend, place on  
10 probation, fine, or take any disciplinary action that the  
11 Commission may deem proper, including fines not to exceed  
12 \$2,500 for each violation, with regard to any license holder or  
13 recovery permit holder for one or any combination of the  
14 following causes:

15 (1) Knowingly making any misrepresentation for the  
16 purpose of obtaining a license or recovery permit.

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

18 (3) For licensees or permit holders, conviction  
19 ~~Conviction~~ of any crime under the laws of the United States  
20 or any state or territory thereof that is (i) a felony,  
21 (ii) a misdemeanor, an essential element of which is  
22 dishonesty, or (iii) a crime that is related to the  
23 practice of the profession. For license or permit  
24 applicants, the provisions of Section 85 of this Act apply.

25 (4) Aiding or abetting another in violating any

1 provision of this Act or its rules.

2 (5) Engaging in dishonorable, unethical, or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud, or harm the public as defined by rule.

5 (6) Violation of any court order from any State or  
6 public agency engaged in the enforcement of payment of  
7 child support arrearages or for noncompliance with certain  
8 processes relating to paternity or support proceeding.

9 (7) Solicitation of professional services by using  
10 false or misleading advertising.

11 (8) A finding that the license or recovery permit was  
12 obtained by fraudulent means.

13 (9) Practicing or attempting to practice under a name  
14 other than the full name shown on the license or recovery  
15 permit or any other legally authorized name.

16 (b) The Commission may refuse to issue or may suspend the  
17 license or recovery permit of any person or entity who fails to  
18 file a return, pay the tax, penalty, or interest shown in a  
19 filed return, or pay any final assessment of tax, penalty, or  
20 interest, as required by any tax Act administered by the  
21 Department of Revenue, until the time the requirements of the  
22 tax Act are satisfied. The Commission may take into  
23 consideration any pending tax disputes properly filed with the  
24 Department of Revenue.

25 (Source: P.A. 97-576, eff. 7-1-12.)

1 (225 ILCS 422/85)

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

3 Sec. 85. Consideration of past crimes.

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

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

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

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

18 (4) Convictions overturned by a higher court.

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

21 (b) When ~~(a) Notwithstanding the prohibitions set forth in~~  
22 ~~Sections 40 and 45 of this Act, when~~ considering the denial of  
23 a license or recovery permit on the grounds of conviction of a  
24 crime, the Commission, in evaluating whether the conviction  
25 will impair the applicant's ability to engage in the position  
26 for which a license or permit is sought ~~the rehabilitation of~~

1 ~~the applicant~~ and the applicant's present eligibility for a  
2 license or recovery permit, shall consider each of the  
3 following criteria:

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. The nature and severity of the act or  
8 crime under consideration as grounds for denial.

9 (2) Circumstances relative to the offense, including  
10 the applicant's age at the time that the offense was  
11 committed.

12 (3) ~~(2)~~ Evidence of any act committed subsequent to the  
13 act or crime under consideration as grounds for denial,  
14 which also could be considered as grounds for disciplinary  
15 action under this Act.

16 (4) Whether 5 years since a conviction or 3 years since  
17 release from confinement for the conviction, whichever is  
18 later, have passed without a subsequent conviction. ~~(3) The~~  
19 amount of time that has lapsed since the commission of the  
20 act or crime referred to in item (1) or (2) of this  
21 subsection (a).

22 (5) Successful completion of sentence or for  
23 applicants serving a term of parole or probation, a  
24 progress report provided by the applicant's probation or  
25 parole officer that documents the applicant's compliance  
26 with conditions of supervision. ~~(4) The extent to which the~~



1 ~~applicant has complied with any terms of parole, probation,~~  
2 ~~restitution, or any other sanctions lawfully imposed~~  
3 ~~against the applicant.~~

4 (6) 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. ~~(5)~~  
8 ~~Evidence, if any, of rehabilitation submitted by the~~  
9 ~~applicant.~~

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.

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 practices licensed or  
20 registered under this Act.

21 (c) ~~(b)~~ When considering the suspension or revocation of a  
22 license or recovery permit on the grounds of conviction of a  
23 crime, the Commission, in evaluating the rehabilitation of the  
24 applicant, whether the conviction will impair the applicant's  
25 ability to engage in the position for which a license or permit  
26 is sought, and the applicant's present eligibility for a

1 license or recovery permit, shall consider each of the  
2 following criteria:

3 (1) The nature and severity of the act or offense.

4 (2) The license holder's or recovery permit holder's  
5 criminal record in its entirety.

6 (3) The amount of time that has lapsed since the  
7 commission of the act or offense.

8 (4) Whether the license holder or recovery permit  
9 holder has complied with any terms of parole, probation,  
10 restitution, or any other sanctions lawfully imposed  
11 against him or her.

12 (5) If applicable, evidence of expungement  
13 proceedings.

14 (6) Evidence, if any, of rehabilitation submitted by  
15 the license holder or recovery permit holder.

16 (d) If the Commission refuses to grant a license or permit  
17 to an applicant, then the Commission shall notify the applicant  
18 of the denial in writing with the following included in the  
19 notice of denial:

20 (1) a statement about the decision to refuse to grant a  
21 license or permit;

22 (2) a list of the convictions that the Commission  
23 determined will impair the applicant's ability to engage in  
24 the position for which a license or permit is sought;

25 (3) a list of convictions that formed the sole or  
26 partial basis for the refusal to grant a license or permit;

1       and

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

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

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

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

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

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

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

26           (6) the number of applicants for a new or renewal

1 license or permit with a criminal conviction who were  
2 denied a license or permit under this Act in the previous  
3 calendar year in whole or in part because of a prior  
4 conviction;

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

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

11 (Source: P.A. 97-576, eff. 7-1-12.)

12 Section 50. The Interpreter for the Deaf Licensure Act of  
13 2007 is amended by changing Sections 45 and 115 and by adding  
14 Section 47 as follows:

15 (225 ILCS 443/45)

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

17 Sec. 45. Qualifications for licensure. A person shall be  
18 qualified to be licensed as an interpreter for the deaf and the  
19 Commission shall issue a license to an applicant who:

20 (1) has applied in writing on the prescribed forms and  
21 paid the required fees;

22 (2) is of good moral character; in determining good  
23 moral character, the Commission shall take into  
24 consideration whether the applicant has engaged in conduct

1 or activities that would constitute grounds for discipline  
2 under Section 115 of this Act, except consideration of  
3 prior convictions shall be in accordance with Section 47 of  
4 this Act;

5 (3) is an accepted certificate holder;

6 (4) has a high school diploma or equivalent; and

7 (5) has met any other requirements established by the  
8 Commission by rule.

9 (Source: P.A. 95-617, eff. 9-12-07.)

10 (225 ILCS 443/47 new)

11 Sec. 47. Applicant convictions.

12 (a) The Commission 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 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) No application for any license under this Act shall be  
5           denied by reason of a finding of lack of "good moral character"  
6           when the finding is based upon the fact that the applicant has  
7           previously been convicted of one or more criminal offenses. The  
8           Commission, upon a finding that an applicant for a license was  
9           previously convicted of a felony or a misdemeanor an essential  
10           element of which is dishonesty or that is directly related to  
11           the practice of interpreting, shall consider any evidence of  
12           rehabilitation and mitigating factors contained in the  
13           applicant's record, including any of the following factors and  
14           evidence, to determine if the conviction will impair the  
15           ability of the applicant to engage in the position for which a  
16           license is sought:

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) If the Commission refuses to issue a license to an  
24       applicant, then the Commission shall notify the applicant of  
25       the denial in writing with the following included in the notice  
26       of denial:

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

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

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

8           (4) 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 Commission 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 a 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           whole or in part because of a prior conviction;

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

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

14           (225 ILCS 443/115)

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

16           Sec. 115. Grounds for disciplinary action.

17           (a) The Commission may refuse to issue or renew any license  
18           and the Department may suspend or revoke any license or may  
19           place on probation, censure, reprimand, or take other  
20           disciplinary action deemed appropriate by the Department,  
21           including the imposition of fines not to exceed \$2,500 for each  
22           violation, with regard to any license issued under this Act for  
23           any one or more of the following reasons:

24                   (1) Material deception in furnishing information to  
25                   the Commission or the Department.

1           (2) Violations or negligent or intentional disregard  
2 of any provision of this Act or its rules.

3           (3) For licensees, conviction ~~Conviction~~ of any crime  
4 under the laws of any jurisdiction of the United States  
5 that is a felony or a misdemeanor, an essential element of  
6 which is dishonesty, or that is directly related to the  
7 practice of interpreting. For applicants, the provisions  
8 of Section 47 apply.

9           (4) A pattern of practice or other behavior that  
10 demonstrates incapacity or incompetence to practice under  
11 this Act.

12           (5) Knowingly aiding or assisting another person in  
13 violating any provision of this Act or rules adopted  
14 thereunder.

15           (6) Failing, within 60 days, to provide a response to a  
16 request for information in response to a written request  
17 made by the Commission or the Department by certified mail.

18           (7) Engaging in dishonorable, unethical, or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud, or harm the public.

21           (8) Habitual use of or addiction to alcohol, narcotics,  
22 stimulants, or any other chemical agent or drug that  
23 results in a licensee's inability to practice with  
24 reasonable judgment, skill, or safety.

25           (9) Discipline by another jurisdiction or foreign  
26 nation, if at least one of the grounds for the discipline

1 is the same or substantially equivalent to those set forth  
2 in this Section.

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

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

13 (12) Gross negligence in the practice of interpreting.

14 (13) Holding oneself out to be a practicing interpreter  
15 for the deaf under any name other than one's own.

16 (14) Knowingly allowing another person or organization  
17 to use the licensee's license to deceive the public.

18 (15) Attempting to subvert or cheat on an  
19 interpreter-related examination or evaluation.

20 (16) Immoral conduct in the commission of an act, such  
21 as sexual abuse, sexual misconduct, or sexual  
22 exploitation, related to the licensee's practice.

23 (17) Willfully violating State or federal  
24 confidentiality laws or the confidentiality between an  
25 interpreter and client, except as required by State or  
26 federal law.

1           (18) Practicing or attempting to practice interpreting  
2           under a name other than one's own.

3           (19) The use of any false, fraudulent, or deceptive  
4           statement in any document connected with the licensee's  
5           practice.

6           (20) Failure of a licensee to report to the Commission  
7           any adverse final action taken against him or her by  
8           another licensing jurisdiction, any peer review body, any  
9           professional deaf or hard of hearing interpreting  
10          association, any governmental Commission, by law  
11          enforcement Commission, or any court for a deaf or hard of  
12          hearing interpreting liability claim related to acts or  
13          conduct similar to acts or conduct that would constitute  
14          grounds for action as provided in this Section.

15          (21) Failure of a licensee to report to the Commission  
16          surrender by the licensee of his or her license or  
17          authorization to practice interpreting in another state or  
18          jurisdiction or current surrender by the licensee of  
19          membership in any deaf or hard of hearing interpreting  
20          association or society while under disciplinary  
21          investigation by any of those authorities or bodies for  
22          acts or conduct similar to acts or conduct that would  
23          constitute grounds for action as provided by this Section.

24          (22) Physical illness or injury including, but not  
25          limited to, deterioration through the aging process or loss  
26          of motor skill, mental illness, or disability that results

1 in the inability to practice the profession with reasonable  
2 judgment, skill, or safety.

3 (23) Gross and willful overcharging for interpreter  
4 services, including filing false statements for collection  
5 of fees for which services have not been rendered.

6 (b) The Commission may refuse to issue or the Department  
7 may suspend the license of any person who fails to file a  
8 return, to pay the tax, penalty, or interest shown in a filed  
9 return, or to pay any final assessment of the tax, penalty, or  
10 interest as required by any tax Act administered by the  
11 Illinois Department of Revenue, until such time as the  
12 requirements of any such tax Act are satisfied.

13 (c) In enforcing this Section, the Commission, upon a  
14 showing of a possible violation, may compel an individual  
15 licensed under this Act, or who has applied for licensure under  
16 this Act, to submit to a mental or physical examination, or  
17 both, as required by and at the expense of the Commission. The  
18 Commission may order the examining physician to present  
19 testimony concerning the mental or physical examination of the  
20 licensee or applicant. No information shall be excluded by  
21 reason of any common law or statutory privilege relating to  
22 communications between the licensee or applicant and the  
23 examining physician. The Commission shall specifically  
24 designate the examining physicians. The individual to be  
25 examined may have, at his or her own expense, another physician  
26 of his or her choice present during all aspects of this

1 examination. Failure of an individual to submit to a mental or  
2 physical examination, when directed, shall be grounds for  
3 suspension of his or her license until the individual submits  
4 to the examination if the Commission finds, after notice and  
5 hearing, that the refusal to submit to the examination was  
6 without reasonable cause.

7 If the Commission finds an individual unable to practice  
8 because of the reasons set forth in this subsection (c), the  
9 Commission may require that individual to submit to care,  
10 counseling, or treatment by physicians approved or designated  
11 by the Commission as a condition, term, or restriction for  
12 continued, reinstated, or renewed licensure to practice or, in  
13 lieu of care, counseling, or treatment, the Commission may file  
14 a complaint to immediately suspend, revoke, or otherwise  
15 discipline the license of the individual. An individual whose  
16 license was granted, continued, reinstated, renewed,  
17 disciplined, or supervised subject to such terms, conditions,  
18 or restrictions and who fails to comply with such terms,  
19 conditions, or restrictions, shall be referred to the Director  
20 for a determination as to whether the individual shall have his  
21 or her license suspended immediately, pending a hearing by the  
22 Department.

23 In instances in which the Director immediately suspends a  
24 person's license under this subsection (c), a hearing on that  
25 person's license must be convened by the Department within 15  
26 days after the suspension and completed without appreciable

1 delay. The Commission or the Department shall have the  
2 authority to review the subject individual's record of  
3 treatment and counseling regarding the impairment to the extent  
4 permitted by applicable State and federal statutes and  
5 regulations safeguarding the confidentiality of medical  
6 records.

7 An individual licensed under this Act and affected under  
8 this subsection (c) shall be afforded an opportunity to  
9 demonstrate to the Commission that he or she can resume  
10 practice in compliance with acceptable and prevailing  
11 standards under the provisions of his or her license.

12 (Source: P.A. 95-617, eff. 9-12-07.)

13 Section 55. The Animal Welfare Act is amended by changing  
14 Section 10 and by adding Section 4 as follows:

15 (225 ILCS 605/4 new)

16 Sec. 4. Applicant convictions.

17 (a) The Department shall not require applicants to report  
18 the following information and shall not consider the following  
19 in connection with an application for a license 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 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) The Department, upon a finding that an applicant for a  
10 license was previously convicted of any felony or a misdemeanor  
11 directly related to the practice of the profession, shall  
12 consider any evidence of rehabilitation and mitigating factors  
13 contained in the applicant's record, including any of the  
14 following factors and evidence, to determine if the conviction  
15 will impair the ability of the applicant to engage in the  
16 position for which a license is sought:

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) If the Department refuses to grant a license to an  
24       applicant, then the Department shall notify the applicant of  
25       the denial in writing with the following included in the notice  
26       of denial:

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

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

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

8           (4) 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 a 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           whole or in part because of a prior conviction;

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

11           (8) the number of licenses issued on probation with  
12           monitoring under this Act in the previous calendar year to  
13           applicants with convictions.

14           (225 ILCS 605/10) (from Ch. 8, par. 310)

15           Sec. 10. Grounds for discipline. The Department may refuse  
16           to issue or renew or may suspend or revoke a license on any one  
17           or more of the following grounds:

18           a. Material misstatement in the application for  
19           original license or in the application for any renewal  
20           license under this Act;

21           b. A violation of this Act or of any regulations or  
22           rules issued pursuant thereto;

23           c. Aiding or abetting another in the violation of this  
24           Act or of any regulation or rule issued pursuant thereto;

25           d. Allowing one's license under this Act to be used by

1 an unlicensed person;

2 e. For licensees, conviction ~~Conviction~~ of any crime an  
3 essential element of which is misstatement, fraud or  
4 dishonesty or conviction of any felony, if the Department  
5 determines, after investigation, that such person has not  
6 been sufficiently rehabilitated to warrant the public  
7 trust; for applicants, the provisions of Section 4 of this  
8 Act apply;

9 f. Conviction of a violation of any law of Illinois  
10 except minor violations such as traffic violations and  
11 violations not related to the disposition of dogs, cats and  
12 other animals or any rule or regulation of the Department  
13 relating to dogs or cats and sale thereof;

14 g. Making substantial misrepresentations or false  
15 promises of a character likely to influence, persuade or  
16 induce in connection with the business of a licensee under  
17 this Act;

18 h. Pursuing a continued course of misrepresentation of  
19 or making false promises through advertising, salesman,  
20 agents or otherwise in connection with the business of a  
21 licensee under this Act;

22 i. Failure to possess the necessary qualifications or  
23 to meet the requirements of the Act for the issuance or  
24 holding a license; or

25 j. Proof that the licensee is guilty of gross  
26 negligence, incompetency, or cruelty with regard to

1 animals.

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

9 The Department may order any licensee to cease operation  
10 for a period not to exceed 72 hours to correct deficiencies in  
11 order to meet licensing requirements.

12 If the Department revokes a license under this Act at an  
13 administrative hearing, the licensee and any individuals  
14 associated with that license shall be prohibited from applying  
15 for or obtaining a license under this Act for a minimum of 3  
16 years.

17 (Source: P.A. 99-310, eff. 1-1-16.)

18 Section 60. The Illinois Feeder Swine Dealer Licensing Act  
19 is amended by changing Section 9 and by adding Section 9.3 as  
20 follows:

21 (225 ILCS 620/9) (from Ch. 111, par. 209)

22 Sec. 9. Grounds for refusal to issue or renew license and  
23 for license suspension and revocation. The Department may  
24 refuse to issue or renew or may suspend or revoke a license on

1 any one or more of the following grounds:

2 a. Material misstatement in the application for original  
3 license or in the application for any renewal license under  
4 this Act;

5 b. Disregard or violation of this Act, any other Act  
6 relative to the purchase and sale of livestock or any  
7 regulation or rule issued pursuant thereto;

8 c. Aiding or abetting another in the violation of this Act  
9 or of any regulation or rule issued pursuant thereto;

10 d. Allowing one's license under this Act to be used by an  
11 unlicensed person;

12 e. For licensees, conviction ~~Conviction~~ of any crime an  
13 essential element of which is misstatement, fraud or dishonesty  
14 or conviction of any felony, if the Department determines,  
15 after investigation, that such person has not been sufficiently  
16 rehabilitated to warrant the public trust; for applicants, the  
17 provisions of Section 9.3 apply;

18 f. Conviction of a violation of any law of Illinois or any  
19 rule or regulation of the Department relating to feeder swine;

20 g. Making substantial misrepresentations or false promises  
21 of a character likely to influence, persuade or induce in  
22 connection with the livestock industry;

23 h. Pursuing a continued course of misrepresentation of or  
24 making false promises through advertising, salesmen, agents or  
25 otherwise in connection with the livestock industry;

26 i. Failure to possess the necessary qualifications or to

1 meet the requirements of this Act for the issuance or holding  
2 of a license;

3 j. Operating without the bond or trust fund agreement  
4 required by this Act; or

5 k. Failing to file a return, or to pay the tax, penalty or  
6 interest shown in a filed return, or to pay any final  
7 assessment of tax, penalty or interest, as required by any tax  
8 Act administered by the Illinois Department of Revenue.

9 (Source: P.A. 89-154, eff. 7-19-95.)

10 (225 ILCS 620/9.3 new)

11 Sec. 9.3. 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 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) The Department, upon a finding that an applicant for a  
5           license was previously convicted of any felony or a misdemeanor  
6           directly related to the practice of the profession, shall  
7           consider any evidence of rehabilitation and mitigating factors  
8           contained in the applicant's record, including any of the  
9           following factors and evidence, to determine if the conviction  
10           will impair the ability of the applicant to engage in the  
11           position for which a license is sought:

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) If the Department refuses to issue a license to an  
19 applicant, then the applicant shall be notified of the denial  
20 in writing with the 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 the Department  
24 determined will impair the applicant's ability to engage in  
25 the position for which a license is sought;

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

1 partial basis for the refusal to issue a license; and

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

5 (d) 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 a minimum:

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

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

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

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

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

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

1       whole or in part because of a prior conviction.

2       Section 65. The Illinois Horse Meat Act is amended by  
3 changing Section 3.2 and by adding Section 3.3 as follows:

4       (225 ILCS 635/3.2) (from Ch. 56 1/2, par. 242.2)

5       Sec. 3.2. The following persons are ineligible for  
6 licenses:

7       a. A person who is not a resident of the city, village or  
8 county in which the premises covered by the license are  
9 located; except in case of railroad or boat licenses.

10       b. A person who is not of good character and reputation in  
11 the community in which he resides.

12       c. A person who is not a citizen of the United States.

13       d. A person with a prior conviction ~~who has been convicted~~  
14 of a felony or a misdemeanor that is directly related to the  
15 practice of the profession where such conviction will impair  
16 the person's ability to engage in the licensed position.

17       e. (Blank). ~~A person who has been convicted of a crime or~~  
18 ~~misdemeanor opposed to decency and morality.~~

19       f. A person whose license issued under this Act has been  
20 revoked for cause.

21       g. A person who at the time of application for renewal of  
22 any license issued hereunder would not be eligible for such  
23 license upon a first application.

24       h. A co-partnership, unless all of the members of such

1 co-partnership shall be qualified to obtain a license.

2 i. A corporation, if any officer, manager or director  
3 thereof or any stockholder or stockholders owning in the  
4 aggregate more than five percent (5%) of the stock of such  
5 corporation, would not be eligible to receive a license  
6 hereunder for any reason other than citizenship and residence  
7 within the political subdivision.

8 j. A person whose place of business is conducted by a  
9 manager or agent unless said manager or agent possesses the  
10 same qualifications required of the licensee.

11 (Source: Laws 1955, p. 388.)

12 (225 ILCS 635/3.3 new)

13 Sec. 3.3. Applicant convictions.

14 (a) The Department 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 moral character when  
8       the finding is based upon the fact that the applicant has  
9       previously been convicted of one or more criminal offenses.

10       (c) The Department, upon a finding that an applicant for a  
11       license was previously convicted of any felony or a misdemeanor  
12       directly related to the practice of the profession, shall  
13       consider any evidence of rehabilitation and mitigating factors  
14       contained in the applicant's record, including any of the  
15       following factors and evidence, to determine if the conviction  
16       will impair the ability of the applicant to engage in the  
17       position for which a license is sought:

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 (d) If the Department refuses to issue a license to an  
25 applicant, then the applicant shall be notified of the denial  
26 in writing 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 convictions that the Department  
4           determined will impair the applicant's ability to engage in  
5           the position for which a license is sought;

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

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

11           (e) 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 a 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; and

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           whole or in part because of a prior conviction.

8           Section 70. The Illinois Livestock Dealer Licensing Act is  
9           amended by changing Section 9 and by adding Section 9.4 as  
10          follows:

11           (225 ILCS 645/9) (from Ch. 111, par. 409)

12          Sec. 9. The Department may refuse to issue or renew or may  
13          suspend or revoke a license on any of the following grounds:

14           a. Material misstatement in the application for  
15           original license or in the application for any renewal  
16           license under this Act;

17           b. Wilful disregard or violation of this Act, or of any  
18           other Act relative to the purchase and sale of livestock,  
19           feeder swine or horses, or of any regulation or rule issued  
20           pursuant thereto;

21           c. Wilfully aiding or abetting another in the violation  
22           of this Act or of any regulation or rule issued pursuant  
23           thereto;

24           d. Allowing one's license under this Act to be used by



1 an unlicensed person;

2 e. For licensees, conviction ~~Conviction~~ of any felony,  
3 if the Department determines, after investigation, that  
4 such person has not been sufficiently rehabilitated to  
5 warrant the public trust; for applicants, the provisions of  
6 Section 9.4 apply;

7 f. For licensees, conviction ~~Conviction~~ of any crime an  
8 essential element of which is misstatement, fraud or  
9 dishonesty; for applicants, the provisions of Section 9.4  
10 apply;

11 g. Conviction of a violation of any law in Illinois or  
12 any Departmental rule or regulation relating to livestock;

13 h. Making substantial misrepresentations or false  
14 promises of a character likely to influence, persuade or  
15 induce in connection with the livestock industry;

16 i. Pursuing a continued course of misrepresentation of  
17 or making false promises through advertising, salesmen,  
18 agents or otherwise in connection with the livestock  
19 industry;

20 j. Failure to possess the necessary qualifications or  
21 to meet the requirements of this Act for the issuance or  
22 holding a license;

23 k. Failure to pay for livestock after purchase;

24 l. Issuance of checks for payment of livestock when  
25 funds are insufficient;

26 m. Determination by a Department audit that the

1 licensee or applicant is insolvent;

2 n. Operating without adequate bond coverage or its  
3 equivalent required for licensees;

4 o. Failing to remit the assessment required in Section  
5 9 of the Beef Market Development Act upon written complaint  
6 of the Checkoff Division of the Illinois Beef Association  
7 Board of Governors.

8 The Department may refuse to issue or may suspend the  
9 license of any person who fails to file a return, or to pay the  
10 tax, penalty or interest shown in a filed return, or to pay any  
11 final assessment of tax, penalty or interest, as required by  
12 any tax Act administered by the Illinois Department of Revenue,  
13 until such time as the requirements of any such tax Act are  
14 satisfied.

15 (Source: P.A. 99-389, eff. 8-18-15; 99-642, eff. 7-28-16.)

16 (225 ILCS 645/9.4 new)

17 Sec. 9.4. Applicant convictions.

18 (a) 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 a license under this Act:

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           (4) Convictions overturned by a higher court.

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

10          (b) The Department, upon a finding that an applicant for a  
11          license was previously convicted of any felony or a misdemeanor  
12          directly related to the practice of the profession, shall  
13          consider any evidence of rehabilitation and mitigating factors  
14          contained in the applicant's record, including any of the  
15          following factors and evidence, to determine if the conviction  
16          will impair the ability of the applicant to engage in the  
17          position for which a license is sought:

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) If the Department refuses to issue a license to an  
25 applicant, then the applicant shall be notified of the denial  
26 in writing 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 convictions that the Department  
4           determined will impair the applicant's ability to engage in  
5           the position for which a license is sought;

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

8           (4) 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 a 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; and

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           whole or in part because of a prior conviction.

8           Section 75. The Slaughter Livestock Buyers Act is amended  
9           by changing Section 7 and by adding Section 7.1 as follows:

10           (225 ILCS 655/7) (from Ch. 111, par. 508)

11           Sec. 7. The Department may refuse to issue or may suspend  
12           or revoke a certificate of registration on any of the following  
13           grounds:

14           a. Material misstatement in the application for original  
15           registration;

16           b. Wilful disregard or violation of this Act or of any  
17           regulation or rule issued pursuant thereto;

18           c. Wilfully aiding or abetting another in the violation of  
19           this Act or of any regulation or rule issued pursuant thereto;

20           d. For a holder of a certificate of registration,  
21           conviction ~~Conviction~~ of any felony, if the Department  
22           determines, after investigation, that such person has not been  
23           sufficiently rehabilitated to warrant the public trust; for an  
24           applicant for a certificate of registration, the provisions of

1 Section 7.1 apply;

2 e. For a holder of a certificate of registration,  
3 conviction ~~Conviction~~ of any crime an essential element of  
4 which is misstatement, fraud or dishonesty; for an applicant  
5 for a certificate of registration, the provisions of Section  
6 7.1 apply;

7 f. Conviction of a violation of any law of Illinois  
8 relating to the purchase of livestock or any Departmental rule  
9 or regulation pertaining thereto;

10 g. Making substantial misrepresentations or false promises  
11 of a character likely to influence, persuade or induce in  
12 connection with the business conducted under this Act;

13 h. Pursuing a continued course of misrepresentation of or  
14 making false promises through advertising, salesman, agent or  
15 otherwise in connection with the business conducted under this  
16 Act;

17 i. Failure to possess the necessary qualifications or to  
18 meet the requirements of this Act;

19 j. Failure to pay for livestock within 24 hours after  
20 purchase, except as otherwise provided in Section 16;

21 k. If Department audit determines the registrant to be  
22 insolvent; or

23 l. Issuance of checks for payment of livestock when funds  
24 are insufficient.

25 (Source: P.A. 80-915.)

1 (225 ILCS 655/7.1 new)

2 Sec. 7.1. Applicant convictions.

3 (a) The Department shall not require applicants to report  
4 the following information and shall not consider the following  
5 criminal history records in connection with an application for  
6 a certificate of registration or 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 (4) Convictions overturned by a higher court.

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

20 (b) The Department, upon a finding that an applicant for a  
21 license or certificate of registration was previously  
22 convicted of any felony or a misdemeanor directly related to  
23 the practice of the profession, shall consider any evidence of  
24 rehabilitation and mitigating factors contained in the  
25 applicant's record, including any of the following factors and  
26 evidence, to determine if the conviction will impair the



1 ability of the applicant to engage in the position for which a  
2 license or certificate of registration is sought:

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 (c) If the Department refuses to issue a certificate of  
10 registration or license to an applicant, then the applicant  
11 shall be notified of the denial in writing with the following  
12 included in the notice of denial:

13 (1) a statement about the decision to refuse to issue a  
14 certificate of registration or a license;

15 (2) a list of the convictions that the Department  
16 determined will impair the applicant's ability to engage in  
17 the position for which a license or certificate of  
18 registration is sought;

19 (3) a list of convictions that formed the sole or  
20 partial basis for the refusal to issue a certificate of  
21 registration or a license; and

22 (4) a summary of the appeal process or the earliest the  
23 applicant may reapply for a license or certificate of  
24 registration, whichever is applicable.

25 (d) No later than May 1 of each year, the Department must  
26 prepare, publicly announce, and publish a report of summary

1 statistical information relating to new and renewal license or  
2 certificate of registration applications during the preceding  
3 calendar year. Each report shall show, at a minimum:

4 (1) the number of applicants for a new or renewal  
5 license or certificate of registration under this Act  
6 within the previous calendar year;

7 (2) the number of applicants for a new or renewal  
8 license or certificate of registration under this Act  
9 within the previous calendar year who had any criminal  
10 conviction;

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

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

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

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

1       in whole or in part because of a prior conviction.

2       Section 80. The Raffles and Poker Runs Act is amended by  
3 changing Section 3 and by adding Section 3.1 as follows:

4       (230 ILCS 15/3) (from Ch. 85, par. 2303)

5       Sec. 3. License - Application - Issuance - Restrictions -  
6 Persons ineligible. Licenses issued by the governing body of  
7 any county or municipality are subject to the following  
8 restrictions:

9           (1) No person, firm or corporation shall conduct  
10 raffles or chances or poker runs without having first  
11 obtained a license therefor pursuant to this Act.

12           (2) The license and application for license must  
13 specify the area or areas within the licensing authority in  
14 which raffle chances will be sold or issued or a poker run  
15 will be conducted, the time period during which raffle  
16 chances will be sold or issued or a poker run will be  
17 conducted, the time of determination of winning chances and  
18 the location or locations at which winning chances will be  
19 determined.

20           (3) The license application must contain a sworn  
21 statement attesting to the not-for-profit character of the  
22 prospective licensee organization, signed by the presiding  
23 officer and the secretary of that organization.

24           (4) The application for license shall be prepared in

1           accordance with the ordinance of the local governmental  
2           unit.

3           (5) A license authorizes the licensee to conduct  
4           raffles or poker runs as defined in this Act.

5           The following are ineligible for any license under this  
6           Act:

7           (a) any person whose felony conviction will impair the  
8           person's ability to engage in the licensed position ~~who has~~  
9           ~~been convicted of a felony;~~

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

12          (c) any person who is not of good moral character;

13          (d) any firm or corporation in which a person defined  
14          in (a), (b) or (c) has a proprietary, equitable or credit  
15          interest, or in which such a person is active or employed;

16          (e) any organization in which a person defined in (a),  
17          (b) or (c) is an officer, director, or employee, whether  
18          compensated or not;

19          (f) any organization in which a person defined in (a),  
20          (b) or (c) is to participate in the management or operation  
21          of a raffle as defined in this Act.

22          (Source: P.A. 98-644, eff. 6-10-14.)

23                   (230 ILCS 15/3.1 new)

24                   Sec. 3.1. Applicant convictions.

25                   (a) The licensing authority shall not require applicants to

1 report the following information 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 Section 5-105 of the Juvenile Court Act of 1987,  
6 subject to the restrictions set forth in Section 5-130 of  
7 the Juvenile Court Act of 1987.

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

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

14 (4) Convictions overturned by a higher court.

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

17 (b) The licensing authority, upon a finding that an  
18 applicant for a license was previously convicted of a felony  
19 shall consider any evidence of rehabilitation and mitigating  
20 factors contained in the applicant's record, including any of  
21 the following factors and evidence, to determine if the  
22 conviction will impair the ability of the applicant to engage  
23 in the position for which a license is sought:

24 (1) the lack of direct relation of the offense for  
25 which the applicant was previously convicted to the duties,  
26 functions, and responsibilities of the position for which a

1 license is sought;

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

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

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

12 (5) successful completion of sentence and, for  
13 applicants serving a term of parole or probation, a  
14 progress report provided by the applicant's probation or  
15 parole officer that documents the applicant's compliance  
16 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) If the licensing authority refuses to issue a license  
5 to an applicant, then the applicant shall be notified of the  
6 denial in writing with the following included in the notice of  
7 denial:

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

10 (2) a list of the convictions that the licensing  
11 authority determined will impair the applicant's ability  
12 to engage in the position for which a license is sought;

13 (3) a list of convictions that formed the sole or  
14 partial basis for the refusal to issue a license; and

15 (4) 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 licensing  
19 authority must prepare, publicly announce, and publish a report  
20 of summary statistical information relating to new and renewal  
21 license applications during the preceding calendar year. Each  
22 report shall show, at a minimum:

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

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



1 who had any criminal conviction;

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

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

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

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

15 Section 85. The Illinois Pull Tabs and Jar Games Act is  
16 amended by changing Section 2.1 and by adding Section 2.2 as  
17 follows:

18 (230 ILCS 20/2.1)

19 Sec. 2.1. Ineligibility for a license. The following are  
20 ineligible for any license under this Act:

21 (1) Any person convicted of any felony within the last  
22 5 years where such conviction will impair the person's  
23 ability to engage in the position for which a license is  
24 sought. ~~Any person who has been convicted of a felony~~

1 ~~within the last 10 years prior to the date of the~~  
2 ~~application.~~

3 (2) Any person ~~who has been~~ convicted of a violation of  
4 Article 28 of the Criminal Code of 1961 or the Criminal  
5 Code of 2012 who has not been sufficiently rehabilitated  
6 following the conviction.

7 (3) Any person who has had a bingo, pull tabs and jar  
8 games, or charitable games license revoked by the  
9 Department.

10 (4) Any person who is or has been a professional  
11 gambler.

12 (5) Any person found gambling in a manner not  
13 authorized by the Illinois Pull Tabs and Jar Games Act, the  
14 Bingo License and Tax Act, or the Charitable Games Act,  
15 participating in such gambling, or knowingly permitting  
16 such gambling on premises where pull tabs and jar games are  
17 authorized to be conducted.

18 (6) Any firm or corporation in which a person defined  
19 in (1), (2), (3), (4), or (5) has any proprietary,  
20 equitable, or credit interest or in which such person is  
21 active or employed.

22 (7) Any organization in which a person defined in (1),  
23 (2), (3), (4), or (5) is an officer, director, or employee,  
24 whether compensated or not.

25 (8) Any organization in which a person defined in (1),  
26 (2), (3), (4), or (5) is to participate in the management

1 or operation of pull tabs and jar games.

2 The Department of State Police shall provide the criminal  
3 background of any supplier as requested by the Department of  
4 Revenue.

5 (Source: P.A. 97-1150, eff. 1-25-13.)

6 (230 ILCS 20/2.2 new)

7 Sec. 2.2. Applicant convictions.

8 (a) The Department shall not require applicants to report  
9 the following information and shall not consider the following  
10 criminal history records in connection with an application for  
11 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 (4) Convictions overturned by a higher court.

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

25 (b) The Department, upon a finding that an applicant for a

1 license was convicted of a felony in the previous 5 years or of  
2 a violation of Article 28 of the Criminal Code of 1961 or  
3 Criminal Code of 2012, shall consider any evidence of  
4 rehabilitation and mitigating factors contained in the  
5 applicant's record, including any of the following factors and  
6 evidence, to determine if the applicant is sufficiently  
7 rehabilitated or whether the conviction will impair the ability  
8 of the applicant to engage in the position for which a license  
9 is sought:

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

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

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

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

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

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

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

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

14           (c) If the Department refuses to issue a license to an  
15           applicant, then the applicant shall be notified of the denial  
16           in writing 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 convictions that the Department  
20           determined will impair the applicant's ability to engage in  
21           the position for which a license is sought;

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

24           (4) 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 a 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; and

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 whole or in part because of a prior conviction.

24       Section 90. The Bingo License and Tax Act is amended by  
25 changing Section 1.2 and by adding Section 1.2a as follows:

1 (230 ILCS 25/1.2)

2 Sec. 1.2. Ineligibility for licensure. The following are  
3 ineligible for any license under this Act:

4 (1) Any person convicted of any felony within the last  
5 5 years where such conviction will impair the person's  
6 ability to engage in the position for which a license is  
7 sought. Any person who has been convicted of a felony  
8 ~~within the last 10 years prior to the date of application.~~

9 (2) Any person ~~who has been~~ convicted of a violation of  
10 Article 28 of the Criminal Code of 1961 or the Criminal  
11 Code of 2012 who has not been sufficiently rehabilitated  
12 following the conviction.

13 (3) Any person who has had a bingo, pull tabs and jar  
14 games, or charitable games license revoked by the  
15 Department.

16 (4) Any person who is or has been a professional  
17 gambler.

18 (5) Any person found gambling in a manner not  
19 authorized by the Illinois Pull Tabs and Jar Games Act,  
20 Bingo License and Tax Act, or the Charitable Games Act,  
21 participating in such gambling, or knowingly permitting  
22 such gambling on premises where a bingo event is authorized  
23 to be conducted or has been conducted.

24 (6) Any organization in which a person defined in (1),  
25 (2), (3), (4), or (5) has a proprietary, equitable, or

1 credit interest, or in which such person is active or  
2 employed.

3 (7) Any organization in which a person defined in (1),  
4 (2), (3), (4), or (5) is an officer, director, or employee,  
5 whether compensated or not.

6 (8) Any organization in which a person defined in (1),  
7 (2), (3), (4), or (5) is to participate in the management  
8 or operation of a bingo game.

9 The Department of State Police shall provide the criminal  
10 background of any person requested by the Department of  
11 Revenue.

12 (Source: P.A. 97-1150, eff. 1-25-13.)

13 (230 ILCS 25/1.2a new)

14 Sec. 1.2a. Applicant convictions.

15 (a) The Department, upon a finding that an applicant for a  
16 license was convicted of a felony within the previous 5 years  
17 or of a violation of Article 28 of the Criminal Code of 1961 or  
18 Criminal Code of 2012, shall consider any evidence of  
19 rehabilitation and mitigating factors contained in the  
20 applicant's record, including any of the following factors and  
21 evidence, to determine if the applicant is sufficiently  
22 rehabilitated or whether the conviction will impair the ability  
23 of the applicant to engage in the position for which a license  
24 is sought:

25 (1) the lack of direct relation of the offense for



1 which the applicant was previously convicted to the duties,  
2 functions, and responsibilities of the position for which a  
3 license is sought;

4 (2) the amount of time that has elapsed since the  
5 offense occurred;

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

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

12 (5) successful completion of sentence and, for  
13 applicants serving a term of parole or probation, a  
14 progress report provided by the applicant's probation or  
15 parole officer that documents the applicant's compliance  
16 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 (b) If the Department refuses to issue a license to an  
5 applicant, then the Department shall notify the applicant of  
6 the denial in writing with the following included in the notice  
7 of denial:

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

10 (2) a list of the convictions that the Department  
11 determined will impair the applicant's ability to engage in  
12 the position for which a license is sought;

13 (3) a list of convictions that formed the sole or  
14 partial basis for the refusal to issue a license; and

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

18 (c) No later than May 1 of each year, the Department 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 a minimum:

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

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

1       who had any criminal conviction;

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

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

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

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

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

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

23           (2) Law enforcement records, court records, and  
24       conviction records of an individual who was 17 years old at  
25       the time of the offense and before January 1, 2014, unless  
26       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           Section 95. The Charitable Games Act is amended by changing  
7       Section 7 and by adding Section 7.1 as follows:

8           (230 ILCS 30/7) (from Ch. 120, par. 1127)

9           Sec. 7. Ineligible Persons. The following are ineligible  
10       for any license under this Act:

11           (a) any person convicted of any felony within the last  
12       5 years where such conviction will impair the person's  
13       ability to engage in the position for which a license is  
14       sought ~~any person who has been convicted of a felony within~~  
15       ~~the last 10 years before the date of the application;~~

16           (b) any person ~~who has been~~ convicted of a violation of  
17       Article 28 of the Criminal Code of 1961 or the Criminal  
18       Code of 2012 who has not been sufficiently rehabilitated  
19       following the conviction;

20           (c) any person who has had a bingo, pull tabs and jar  
21       games, or charitable games license revoked by the  
22       Department;

23           (d) any person who is or has been a professional  
24       gambler;

1 (d-1) any person found gambling in a manner not  
2 authorized by this Act, the Illinois Pull Tabs and Jar  
3 Games Act, or the Bingo License and Tax Act participating  
4 in such gambling, or knowingly permitting such gambling on  
5 premises where an authorized charitable games event is  
6 authorized to be conducted or has been conducted;

7 (e) any organization in which a person defined in (a),  
8 (b), (c), (d), or (d-1) has a proprietary, equitable, or  
9 credit interest, or in which the person is active or  
10 employed;

11 (f) any organization in which a person defined in (a),  
12 (b), (c), (d), or (d-1) is an officer, director, or  
13 employee, whether compensated or not;

14 (g) any organization in which a person defined in (a),  
15 (b), (c), (d), or (d-1) is to participate in the management  
16 or operation of charitable games.

17 The Department of State Police shall provide the criminal  
18 background of any person requested by the Department of  
19 Revenue.

20 (Source: P.A. 97-1150, eff. 1-25-13.)

21 (230 ILCS 30/7.1 new)

22 Sec. 7.1. Applicant convictions.

23 (a) The Department, upon a finding that an applicant for a  
24 license was convicted of a felony within the previous 5 years  
25 or of a violation of Article 28 of the Criminal Code of 1961 or

1 Criminal Code of 2012, shall consider any evidence of  
2 rehabilitation and mitigating factors contained in the  
3 applicant's record, including any of the following factors and  
4 evidence, to determine if the applicant is sufficiently  
5 rehabilitated or whether the conviction will impair the ability  
6 of the applicant to engage in the position for which a license  
7 is sought:

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) If the Department refuses to grant a license to an  
13           applicant, then the Department 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 convictions that the Department  
19           determined will impair the applicant's ability to engage in  
20           the position for which a license is sought;

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

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

26           (c) No later than May 1 of each year, the Department must

1 prepare, publicly announce, and publish a report of summary  
2 statistical information relating to new and renewal license  
3 applications during the preceding calendar year. Each report  
4 shall show, at a minimum:

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

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

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

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

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

19 (6) the number of applicants for a new or renewal  
20 license with a criminal conviction who were denied a  
21 license under this Act in the previous calendar year in  
22 whole or in part because of a prior conviction.

23 (d) Applicants shall not be required to report the  
24 following information and the following shall not be considered  
25 in connection with an application for licensure or  
26 registration:



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           Section 100. The Liquor Control Act of 1934 is amended by  
15           changing Sections 6-2 and 7-1 and by adding Section 6-2.5 as  
16           follows:

17           (235 ILCS 5/6-2) (from Ch. 43, par. 120)

18           Sec. 6-2. Issuance of licenses to certain persons  
19           prohibited.

20           (a) Except as otherwise provided in subsection (b) of this  
21           Section and in paragraph (1) of subsection (a) of Section 3-12,  
22           no license of any kind issued by the State Commission or any  
23           local commission shall be issued to:

24           (1) A person who is not a resident of any city, village

1 or county in which the premises covered by the license are  
2 located; except in case of railroad or boat licenses.

3 (2) A person who is not of good character and  
4 reputation in the community in which he resides.

5 (3) A person who is not a citizen of the United States.

6 (4) A person who has been convicted of a felony under  
7 any Federal or State law, unless the Commission determines  
8 that such person will not be impaired by the conviction in  
9 engaging in the licensed practice ~~has been sufficiently~~  
10 ~~rehabilitated to warrant the public trust~~ after  
11 considering matters set forth in such person's application  
12 in accordance with Section 6-2.5 of this Act and the  
13 Commission's investigation. ~~The burden of proof of~~  
14 ~~sufficient rehabilitation shall be on the applicant.~~

15 (5) A person who has been convicted of keeping a place  
16 of prostitution or keeping a place of juvenile  
17 prostitution, promoting prostitution that involves keeping  
18 a place of prostitution, or promoting juvenile  
19 prostitution that involves keeping a place of juvenile  
20 prostitution.

21 (6) A person who has been convicted of pandering ~~or~~  
22 ~~other crime or misdemeanor opposed to decency and morality.~~

23 (7) A person whose license issued under this Act has  
24 been revoked for cause.

25 (8) A person who at the time of application for renewal  
26 of any license issued hereunder would not be eligible for

1 such license upon a first application.

2 (9) A copartnership, if any general partnership  
3 thereof, or any limited partnership thereof, owning more  
4 than 5% of the aggregate limited partner interest in such  
5 copartnership would not be eligible to receive a license  
6 hereunder for any reason other than residence within the  
7 political subdivision, unless residency is required by  
8 local ordinance.

9 (10) A corporation or limited liability company, if any  
10 member, officer, manager or director thereof, or any  
11 stockholder or stockholders owning in the aggregate more  
12 than 5% of the stock of such corporation, would not be  
13 eligible to receive a license hereunder for any reason  
14 other than citizenship and residence within the political  
15 subdivision.

16 (10a) A corporation or limited liability company  
17 unless it is incorporated or organized in Illinois, or  
18 unless it is a foreign corporation or foreign limited  
19 liability company which is qualified under the Business  
20 Corporation Act of 1983 or the Limited Liability Company  
21 Act to transact business in Illinois. The Commission shall  
22 permit and accept from an applicant for a license under  
23 this Act proof prepared from the Secretary of State's  
24 website that the corporation or limited liability company  
25 is in good standing and is qualified under the Business  
26 Corporation Act of 1983 or the Limited Liability Company

1 Act to transact business in Illinois.

2 (11) A person whose place of business is conducted by a  
3 manager or agent unless the manager or agent possesses the  
4 same qualifications required by the licensee.

5 (12) A person who has been convicted of a violation of  
6 any Federal or State law concerning the manufacture,  
7 possession or sale of alcoholic liquor, subsequent to the  
8 passage of this Act or has forfeited his bond to appear in  
9 court to answer charges for any such violation, unless the  
10 Commission determines, in accordance with Section 6-2.5 of  
11 this Act, that the person will not be impaired by the  
12 conviction in engaging in the licensed practice.

13 (13) A person who does not beneficially own the  
14 premises for which a license is sought, or does not have a  
15 lease thereon for the full period for which the license is  
16 to be issued.

17 (14) Any law enforcing public official, including  
18 members of local liquor control commissions, any mayor,  
19 alderman, or member of the city council or commission, any  
20 president of the village board of trustees, any member of a  
21 village board of trustees, or any president or member of a  
22 county board; and no such official shall have a direct  
23 interest in the manufacture, sale, or distribution of  
24 alcoholic liquor, except that a license may be granted to  
25 such official in relation to premises that are not located  
26 within the territory subject to the jurisdiction of that

1 official if the issuance of such license is approved by the  
2 State Liquor Control Commission and except that a license  
3 may be granted, in a city or village with a population of  
4 55,000 or less, to any alderman, member of a city council,  
5 or member of a village board of trustees in relation to  
6 premises that are located within the territory subject to  
7 the jurisdiction of that official if (i) the sale of  
8 alcoholic liquor pursuant to the license is incidental to  
9 the selling of food, (ii) the issuance of the license is  
10 approved by the State Commission, (iii) the issuance of the  
11 license is in accordance with all applicable local  
12 ordinances in effect where the premises are located, and  
13 (iv) the official granted a license does not vote on  
14 alcoholic liquor issues pending before the board or council  
15 to which the license holder is elected. Notwithstanding any  
16 provision of this paragraph (14) to the contrary, an  
17 alderman or member of a city council or commission, a  
18 member of a village board of trustees other than the  
19 president of the village board of trustees, or a member of  
20 a county board other than the president of a county board  
21 may have a direct interest in the manufacture, sale, or  
22 distribution of alcoholic liquor as long as he or she is  
23 not a law enforcing public official, a mayor, a village  
24 board president, or president of a county board. To prevent  
25 any conflict of interest, the elected official with the  
26 direct interest in the manufacture, sale, or distribution

1 of alcoholic liquor shall not participate in any meetings,  
2 hearings, or decisions on matters impacting the  
3 manufacture, sale, or distribution of alcoholic liquor.  
4 Furthermore, the mayor of a city with a population of  
5 55,000 or less or the president of a village with a  
6 population of 55,000 or less may have an interest in the  
7 manufacture, sale, or distribution of alcoholic liquor as  
8 long as the council or board over which he or she presides  
9 has made a local liquor control commissioner appointment  
10 that complies with the requirements of Section 4-2 of this  
11 Act.

12 (15) A person who is not a beneficial owner of the  
13 business to be operated by the licensee.

14 (16) A person who has been convicted of a gambling  
15 offense as proscribed by any of subsections (a) (3) through  
16 (a) (11) of Section 28-1 of, or as proscribed by Section  
17 28-1.1 or 28-3 of, the Criminal Code of 1961 or the  
18 Criminal Code of 2012, or as proscribed by a statute  
19 replaced by any of the aforesaid statutory provisions.

20 (17) A person or entity to whom a federal wagering  
21 stamp has been issued by the federal government, unless the  
22 person or entity is eligible to be issued a license under  
23 the Raffles and Poker Runs Act or the Illinois Pull Tabs  
24 and Jar Games Act.

25 (18) A person who intends to sell alcoholic liquors for  
26 use or consumption on his or her licensed retail premises

1 who does not have liquor liability insurance coverage for  
2 that premises in an amount that is at least equal to the  
3 maximum liability amounts set out in subsection (a) of  
4 Section 6-21.

5 (19) A person who is licensed by any licensing  
6 authority as a manufacturer of beer, or any partnership,  
7 corporation, limited liability company, or trust or any  
8 subsidiary, affiliate, or agent thereof, or any other form  
9 of business enterprise licensed as a manufacturer of beer,  
10 having any legal, equitable, or beneficial interest,  
11 directly or indirectly, in a person licensed in this State  
12 as a distributor or importing distributor. For purposes of  
13 this paragraph (19), a person who is licensed by any  
14 licensing authority as a "manufacturer of beer" shall also  
15 mean a brewer and a non-resident dealer who is also a  
16 manufacturer of beer, including a 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 (20) A person who is licensed in this State as a  
21 distributor or importing distributor, or any partnership,  
22 corporation, limited liability company, or trust or any  
23 subsidiary, affiliate, or agent thereof, or any other form  
24 of business enterprise licensed in this State as a  
25 distributor or importing distributor having any legal,  
26 equitable, or beneficial interest, directly or indirectly,

1 in a person licensed as a manufacturer of beer by any  
2 licensing authority, or any partnership, corporation,  
3 limited liability company, or trust or any subsidiary,  
4 affiliate, or agent thereof, or any other form of business  
5 enterprise, except for a person who owns, on or after the  
6 effective date of this amendatory Act of the 98th General  
7 Assembly, no more than 5% of the outstanding shares of a  
8 manufacturer of beer whose shares are publicly traded on an  
9 exchange within the meaning of the Securities Exchange Act  
10 of 1934. For the purposes of this paragraph (20), a person  
11 who is licensed by any licensing authority as a  
12 "manufacturer of beer" shall also mean a brewer and a  
13 non-resident dealer who is also a manufacturer of beer,  
14 including a partnership, corporation, limited liability  
15 company, or trust or any subsidiary, affiliate, or agent  
16 thereof, or any other form of business enterprise licensed  
17 as a manufacturer of beer.

18 (b) A criminal conviction of a corporation is not grounds  
19 for the denial, suspension, or revocation of a license applied  
20 for or held by the corporation if the criminal conviction was  
21 not the result of a violation of any federal or State law  
22 concerning the manufacture, possession or sale of alcoholic  
23 liquor, the offense that led to the conviction did not result  
24 in any financial gain to the corporation and the corporation  
25 has terminated its relationship with each director, officer,  
26 employee, or controlling shareholder whose actions directly



1 contributed to the conviction of the corporation. The  
2 Commission shall determine if all provisions of this subsection  
3 (b) have been met before any action on the corporation's  
4 license is initiated.

5 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;  
6 98-10, eff. 5-6-13; 98-21, eff. 6-13-13; 98-644, eff. 6-10-14;  
7 98-756, eff. 7-16-14.)

8 (235 ILCS 5/6-2.5 new)

9 Sec. 6-2.5. Applicant convictions.

10 (a) The Commission shall not require applicants to report  
11 the following information and shall not consider the following  
12 criminal history records in connection with an application for  
13 a license under this Act:

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

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

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

24 (4) Convictions overturned by a higher court.

25 (5) Convictions or arrests that have been sealed or

1       expunged.

2       (b) The Commission, upon a finding that an applicant for a  
3 license was convicted of a felony or a violation of any federal  
4 or State law concerning the manufacture, possession or sale of  
5 alcoholic liquor, shall consider any evidence of  
6 rehabilitation and mitigating factors contained in the  
7 applicant's record, including any of the following factors and  
8 evidence, to determine if the conviction will impair the  
9 ability of the applicant to engage in the position for which a  
10 license is sought:

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) If the Commission refuses to issue a license to an  
18 applicant, then the Commission shall notify the applicant of  
19 the denial in writing with the following included in the notice  
20 of denial:

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

23 (2) a list of the convictions that the Commission  
24 determined will impair the applicant's ability to engage in  
25 the position for which a license is sought;

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

1 partial basis for the refusal; and

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

5 (d) No later than May 1 of each year, the Commission 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 a minimum:

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

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

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

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

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

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

1       whole or in part because of a prior conviction.

2           (235 ILCS 5/7-1) (from Ch. 43, par. 145)

3           Sec. 7-1. An applicant for a retail license from the State  
4 Commission shall submit to the State Commission an application  
5 in writing under oath stating:

6           (1) The applicant's name and mailing address;

7           (2) The name and address of the applicant's business;

8           (3) If applicable, the date of the filing of the  
9 "assumed name" of the business with the County Clerk;

10          (4) In case of a copartnership, the date of the  
11 formation of the partnership; in the case of an Illinois  
12 corporation, the date of its incorporation; or in the case  
13 of a foreign corporation, the State where it was  
14 incorporated and the date of its becoming qualified under  
15 the Business Corporation Act of 1983 to transact business  
16 in the State of Illinois;

17          (5) The number, the date of issuance and the date of  
18 expiration of the applicant's current local retail liquor  
19 license;

20          (6) The name of the city, village, or county that  
21 issued the local retail liquor license;

22          (7) The name and address of the landlord if the  
23 premises are leased;

24          (8) The date of the applicant's first request for a  
25 State liquor license and whether it was granted, denied or

1           withdrawn;

2           (9) The address of the applicant when the first  
3 application for a State liquor license was made;

4           (10) The applicant's current State liquor license  
5 number;

6           (11) The date the applicant began liquor sales at his  
7 place of business;

8           (12) The address of the applicant's warehouse if he  
9 warehouses liquor;

10           (13) The applicant's Retailers' Occupation Tax (ROT)  
11 Registration Number;

12           (14) The applicant's document locator number on his  
13 Federal Special Tax Stamp;

14           (15) Whether the applicant is delinquent in the payment  
15 of the Retailers' Occupation Tax (Sales Tax), and if so,  
16 the reasons therefor;

17           (16) Whether the applicant is delinquent under the cash  
18 beer law, and if so, the reasons therefor;

19           (17) In the case of a retailer, whether he is  
20 delinquent under the 30-day credit law, and if so, the  
21 reasons therefor;

22           (18) In the case of a distributor, whether he is  
23 delinquent under the 15-day credit law, and if so, the  
24 reasons therefor;

25           (19) Whether the applicant has made an application for  
26 a liquor license which has been denied, and if so, the

1 reasons therefor;

2 (20) Whether the applicant has ever had any previous  
3 liquor license suspended or revoked, and if so, the reasons  
4 therefor;

5 (21) Whether the applicant has ever been convicted of a  
6 gambling offense or felony, and if so, the particulars  
7 thereof;

8 (22) Whether the applicant possesses a current Federal  
9 Wagering Stamp, and if so, the reasons therefor;

10 (23) Whether the applicant, or any other person,  
11 directly in his place of business is a public official, and  
12 if so, the particulars thereof;

13 (24) The applicant's name, sex, date of birth, social  
14 security number, position and percentage of ownership in  
15 the business; and the name, sex, date of birth, social  
16 security number, position and percentage of ownership in  
17 the business of every sole owner, partner, corporate  
18 officer, director, manager and any person who owns 5% or  
19 more of the shares of the applicant business entity or  
20 parent corporations of the applicant business entity; and

21 (25) That he has not received or borrowed money or  
22 anything else of value, and that he will not receive or  
23 borrow money or anything else of value (other than  
24 merchandising credit in the ordinary course of business for  
25 a period not to exceed 90 days as herein expressly  
26 permitted under Section 6-5 hereof), directly or

1 indirectly, from any manufacturer, importing distributor  
2 or distributor or from any representative of any such  
3 manufacturer, importing distributor or distributor, nor be  
4 a party in any way, directly or indirectly, to any  
5 violation by a manufacturer, distributor or importing  
6 distributor of Section 6-6 of this Act.

7 In addition to any other requirement of this Section, an  
8 applicant for a special use permit license and a special event  
9 retailer's license shall also submit (A) proof satisfactory to  
10 the Commission that the applicant has a resale number issued  
11 under Section 2c of the Retailers' Occupation Tax Act or that  
12 the applicant is registered under Section 2a of the Retailers'  
13 Occupation Tax Act, (B) proof satisfactory to the Commission  
14 that the applicant has a current, valid exemption  
15 identification number issued under Section 1g of the Retailers'  
16 Occupation Tax Act and a certification to the Commission that  
17 the purchase of alcoholic liquors will be a tax-exempt  
18 purchase, or (C) a statement that the applicant is not  
19 registered under Section 2a of the Retailers' Occupation Tax  
20 Act, does not hold a resale number under Section 2c of the  
21 Retailers' Occupation Tax Act, and does not hold an exemption  
22 number under Section 1g of the Retailers' Occupation Tax Act.  
23 The applicant shall also submit proof of adequate dram shop  
24 insurance for the special event prior to being issued a  
25 license.

26 In addition to the foregoing information, such application



1 shall contain such other and further information as the State  
2 Commission and the local commission may, by rule or regulation  
3 not inconsistent with law, prescribe.

4 If the applicant reports a felony conviction as required  
5 under paragraph (21) of this Section, such conviction may be  
6 considered by the Commission in accordance with Section 6-2.5  
7 of this Act in determining qualifications for licensing, but  
8 shall not operate as a bar to licensing.

9 If said application is made in behalf of a partnership,  
10 firm, association, club or corporation, then the same shall be  
11 signed by one member of such partnership or the president or  
12 secretary of such corporation or an authorized agent of said  
13 partnership or corporation.

14 All other applications shall be on forms prescribed by the  
15 State Commission, and which may exclude any of the above  
16 requirements which the State Commission rules to be  
17 inapplicable.

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

19 Section 105. The Radon Industry Licensing Act is amended by  
20 changing Section 45 and by adding Section 46 as follows:

21 (420 ILCS 44/45)

22 Sec. 45. Grounds for disciplinary action. The Agency may  
23 refuse to issue or to renew, or may revoke, suspend, or take  
24 other disciplinary action as the Agency may deem proper,

1 including fines not to exceed \$1,000 for each violation, with  
2 regard to any license for any one or combination of the  
3 following causes:

4 (a) Violation of this Act or its rules.

5 (b) For licensees, conviction ~~Conviction~~ of a crime  
6 under the laws of any United States jurisdiction that is a  
7 felony or of any crime that directly relates to the  
8 practice of detecting or reducing the presence of radon or  
9 radon progeny. For applicants, the provisions of Section 46  
10 apply.

11 (c) Making a misrepresentation for the purpose of  
12 obtaining a license.

13 (d) Professional incompetence or gross negligence in  
14 the practice of detecting or reducing the presence of radon  
15 or radon progeny.

16 (e) Gross malpractice, prima facie evidence of which  
17 may be a conviction or judgment of malpractice in a court  
18 of competent jurisdiction.

19 (f) Aiding or assisting another person in violating a  
20 provision of this Act or its rules.

21 (g) Failing, within 60 days, to provide information in  
22 response to a written request made by the Agency that has  
23 been sent by mail to the licensee's last known address.

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

1           (i) Habitual or excessive use or addiction to alcohol,  
2           narcotics, stimulants, or any other chemical agent or drug  
3           that results in the inability to practice with reasonable  
4           judgment, skill, or safety.

5           (j) Discipline by another United States jurisdiction  
6           or foreign nation, if at least one of the grounds for the  
7           discipline is the same or substantially equivalent to those  
8           set forth in this Section.

9           (k) Directly or indirectly giving to or receiving from  
10          a person any fee, commission, rebate, or other form of  
11          compensation for a professional service not actually or  
12          personally rendered.

13          (l) A finding by the Agency that the licensee has  
14          violated the terms of a license.

15          (m) Conviction by a court of competent jurisdiction,  
16          either within or outside of this State, of a violation of a  
17          law governing the practice of detecting or reducing the  
18          presence of radon or radon progeny if the Agency determines  
19          after investigation that the person has not been  
20          sufficiently rehabilitated to warrant the public trust.

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

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

26          (p) Gross and willful overcharging for professional

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

3 (q) Failure to file a return or to pay the tax,  
4 penalty, or interest shown in a filed return, or to pay any  
5 final assessment of tax, penalty, or interest, as required  
6 by a tax Act administered by the Department of Revenue,  
7 until such time as the requirements of any such tax Act are  
8 satisfied.

9 (r) Failure to repay educational loans guaranteed by  
10 the Illinois Student Assistance Commission, as provided in  
11 Section 80 of the Nuclear Safety Law of 2004. However, the  
12 Agency may issue an original or renewal license if the  
13 person in default has established a satisfactory repayment  
14 record as determined by the Illinois Student Assistance  
15 Commission.

16 (s) Failure to meet child support orders, as provided  
17 in Section 10-65 of the Illinois Administrative Procedure  
18 Act.

19 (t) Failure to pay a fee or civil penalty properly  
20 assessed by the Agency.

21 (Source: P.A. 94-369, eff. 7-29-05.)

22 (420 ILCS 44/46 new)

23 Sec. 46. Applicant convictions.

24 (a) The Agency shall not require applicants to report the  
25 following information and shall not consider the following

1 criminal history records in connection with an application for  
2 a license under this Act:

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

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 not followed by a conviction.

13 (4) Convictions overturned by a higher court.

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

16 (b) The Agency, upon a finding that an applicant for a  
17 license was convicted of a felony or a crime that relates to  
18 the practice of detecting or reducing the presence of radon or  
19 radon progeny, shall consider any evidence of rehabilitation  
20 and mitigating factors contained in the applicant's record,  
21 including any of the following factors and evidence, to  
22 determine if the conviction will impair the ability of the  
23 applicant to engage in the position for which a license is  
24 sought:

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) If the Agency refuses to issue a license to an  
6           applicant, then the Agency shall notify the applicant of the  
7           denial in writing with the following included in the notice of  
8           denial:

9           (1) a statement about the decision to refuse to grant a  
10           license;

11           (2) a list of the convictions that the Agency  
12           determined will impair the applicant's ability to engage in  
13           the position for which a license is sought;

14           (3) a list of convictions that formed the sole or  
15           partial basis for the refusal to issue a license; and

16           (4) 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 Agency 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 a minimum:

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

26           (2) the number of applicants for a new or renewal

1 license under this Act within the previous calendar year  
2 who had any criminal conviction;

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

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

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

12 (6) the number of applicants for a new or renewal  
13 license with a criminal conviction who were denied a  
14 license under this Act in the previous calendar year in  
15 whole or in part because of a prior conviction.

16 Section 999. Effective date. This Act takes effect January  
17 1, 2018."