



Rep. La Shawn K. Ford

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LRB103 03529 BMS 58904 a

1 AMENDMENT TO HOUSE BILL 46

2 AMENDMENT NO. _____. Amend House Bill 46 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Administrative Procedure Act is
5 amended by adding Section 5-45.35 as follows:

6 (5 ILCS 100/5-45.35 new)

7 Sec. 5-45.35. Emergency rulemaking. To provide for the
8 expeditious and timely implementation of the changes made to
9 the Election Code and the Unified Code of Corrections by this
10 amendatory Act of the 103rd General Assembly, emergency rules
11 implementing those changes may be adopted in accordance with
12 Section 5-45 by the State Board of Elections, except that the
13 24-month limitation on the adoption of emergency rules and the
14 provisions of Sections 5-115 and 5-125 do not apply to rules
15 adopted under this Section. The adoption of emergency rules
16 authorized by Section 5-45 and this Section is deemed to be

1 necessary for the public interest, safety, and welfare.

2 This Section is repealed one year after the effective date
3 of this amendatory Act of the 103rd General Assembly.

4 Section 10. The Election Code is amended by changing
5 Sections 3-5 and 19-2.5 and by adding Sections 1-23 and 1-24 as
6 follows:

7 (10 ILCS 5/1-23 new)

8 Sec. 1-23. Post-conviction voting.

9 (a) As used in this Section, "correctional institution"
10 means any place used to house persons under state supervision
11 or custody, including, but not limited to, state, federal, or
12 juvenile facilities, adult transition centers, halfway houses,
13 and other reentry or rehabilitation programs.

14 (b) A person convicted of a felony, or otherwise under
15 sentence in a correctional institution, shall have his or her
16 right to vote restored and shall be eligible to vote not later
17 than 14 days following his or her conviction. Persons under
18 any form of state supervision or custody who are disqualified
19 from voting shall have their right to vote restored under this
20 Section, including, but not limited to: persons incarcerated
21 in State, federal, or juvenile facilities; persons on
22 probation or parole; persons on mandatory supervised release;
23 persons on work release; persons on furlough; persons released
24 on electronic monitoring; persons housed in adult transition

1 centers, halfway houses, or other reentry or rehabilitation
2 programs; and persons owing court fines or fees. Persons may
3 not be denied the right to vote because of a past criminal
4 conviction.

5 (c) Each local election authority shall coordinate with
6 the correctional institution, Illinois Department of
7 Corrections, and other correctional agencies incarcerating
8 eligible voters to facilitate voting by mail for those voters
9 eligible to vote in that election jurisdiction who are
10 incarcerated in the correctional institution.

11 (d) All requirements of the federal Voting Rights Act of
12 1965, including Sections 203 and 208, State and local language
13 access requirements, and the federal Americans with
14 Disabilities Act and State and local disability access
15 requirements shall also apply to voting under this Section.
16 The correctional institution shall make available to persons
17 in its custody voter registration applications, vote by mail
18 ballot applications, vote by mail ballots received at the
19 institution from the local election authority, and other
20 election materials in the languages provided by the State
21 Board of Elections and local election authorities.

22 (e) The correctional institution shall make available to a
23 person in its custody current election resource material,
24 maintained by the State Board of Elections, containing
25 detailed information regarding the voting rights of a person
26 with a criminal conviction in the following formats: (1) in

1 print; (2) on the correctional institution's website; and (3)
2 in a visible location on the premises of each correctional
3 institution where notices are customarily posted. The
4 correctional institution shall also make available to a person
5 in its custody current election resource material from a local
6 election authority that is requested by that person in its
7 custody and received at the correctional institution from the
8 local election authority in response to that person's request.
9 The correctional institution shall provide resource materials
10 to a person in its custody upon intake and release of the
11 person on parole, mandatory supervised release, final
12 discharge, or pardon from the correctional institution.

13 (f) By December 31, 2024 and by December 31 of each year
14 thereafter, the State Board of Elections, in coordination and
15 cooperation with correctional institutions and local election
16 authorities, shall prepare a report containing data concerning
17 compliance with this Section, including the number of voter
18 registrations, vote by mail ballot applications, vote by mail
19 ballots completed, and voter education packets delivered.

20 (g) A person who has left the person's residence as part of
21 the person's confinement in a correctional institution and who
22 has not established another residence for voter registration
23 purposes may not be considered to have changed or lost
24 residence. The person may register to vote at the address of
25 the person's last place of residence before the person's
26 confinement in a correctional institution.

1 (h) The provisions of this Section shall apply to all
2 elections beginning with the general election in 2024.

3 (i) The State Board of Elections may adopt rules,
4 including emergency rules, to implement the provisions of this
5 Section.

6 (10 ILCS 5/1-24 new)

7 Sec. 1-24. Post-Conviction Task Force.

8 (a) The Post-Conviction Task Force is created to
9 strengthen and improve implementation of the provisions of
10 Section 1-23 that restore the right to vote to a person
11 convicted of a felony, or otherwise under sentence in a
12 correctional institution, and to provide voting access while
13 under sentence in a correctional institution.

14 (b) The members of the Task Force shall be as follows:

15 (1) the Chair of the State Board of Elections, or the
16 Chair's designee, who shall serve as Chair of the Task
17 Force;

18 (2) the Director of Corrections, or the Director's
19 designee;

20 (3) the Secretary of State, or the Secretary of
21 State's designee;

22 (4) a representative from a statewide organization
23 that represents county clerks, appointed by the chair of
24 the State Board of Elections;

25 (5) a representative from 2 separate Illinois

1 organizations advocating against voter
2 disenfranchisement, with one representative appointed by
3 the President of the Senate and one representative
4 appointed by the Speaker of the House of Representatives;
5 and

6 (6) 4 members from the General Assembly, with one
7 member appointed by the President of the Senate, one
8 member appointed by the Senate Minority Leader, one member
9 appointed by the Speaker of the House of Representatives,
10 and one member appointed by the House Minority Leader.

11 (c) The State Board of Elections shall provide
12 administrative and other support to the Task Force.

13 (d) On or before July 1, 2024, the Task Force members shall
14 be appointed. On or before September 1, 2024, the Task Force
15 shall prepare a status report that summarizes its work and
16 makes recommendations on the implementation of provisions
17 restoring voting rights to a person convicted of a felony or
18 otherwise under sentence in a correctional institution and
19 providing access to vote while under sentence in a
20 correctional institution. On or before January 1, 2025, the
21 Task Force shall prepare a comprehensive report that
22 summarizes its work and the implementation and administration
23 of the 2024 general election. The report shall include
24 recommendations for strengthening and improving implementation
25 of restoring voting rights to a person convicted of a felony or
26 otherwise under sentence in a correctional institution and

1 providing access to vote while under sentence in a
2 correctional institution.

3 (e) The Task Force is dissolved and this Section is
4 repealed on January 1, 2027.

5 (10 ILCS 5/3-5) (from Ch. 46, par. 3-5)

6 Sec. 3-5. Confinement or detention in a jail. ~~No person~~
7 ~~who has been legally convicted, in this or another state or in~~
8 ~~any federal court, of any crime, and is serving a sentence of~~
9 ~~confinement in any penal institution, or who has been~~
10 ~~convicted under any Section of this Code and is serving a~~
11 ~~sentence of confinement in any penal institution, shall vote,~~
12 ~~offer to vote, attempt to vote or be permitted to vote at any~~
13 ~~election until his release from confinement.~~

14 ~~Confinement for purposes of this Section shall include any~~
15 ~~person convicted and imprisoned but granted a furlough as~~
16 ~~provided by Section 3-11-1 of the Unified Code of Corrections,~~
17 ~~or admitted to a work release program as provided by Section~~
18 ~~3-13-2 of the Unified Code of Corrections. Confinement shall~~
19 ~~not include any person convicted and imprisoned but released~~
20 ~~on parole.~~

21 Confinement or detention in a jail pending acquittal or
22 conviction of a crime is not a disqualification for voting.

23 (Source: P.A. 100-863, eff. 8-14-18.)

24 (10 ILCS 5/19-2.5)

1 Sec. 19-2.5. Notice for vote by mail ballot.

2 (a) An election authority shall notify all qualified
3 voters, not more than 90 days nor less than 45 days before a
4 general or consolidated election, of the option for permanent
5 vote by mail status using the following notice and including
6 the application for permanent vote by mail status in
7 subsection (b) of Section 19-3:

8 "You may apply to permanently be placed on vote by mail
9 status using the attached application."

10 (b) A person completing a voter registration application
11 or submitting a change of address shall be notified of the
12 option to receive a vote by mail ballot. Upon request of the
13 person, the voter registration application or change of
14 address form shall serve as an application to receive an
15 official vote by mail ballot, and the individual need not
16 complete a separate vote by mail application. An elector who
17 is a resident of a location covered by Section 203 of the
18 federal Voting Rights Act of 1965 or local language access
19 requirements must be offered a voter registration application
20 in a language of the applicable minority group and must be able
21 to request a vote by mail ballot in the language of the
22 applicable minority group. Upon processing the voter
23 registration application and accepting the application without
24 rejection, the election authority shall provide the individual
25 with an official vote by mail ballot for the next occurring
26 election.

1 (Source: P.A. 102-15, eff. 6-17-21; 102-668, eff. 11-15-21.)

2 Section 15. The Unified Code of Corrections is amended by
3 changing Sections 3-14-1 and 5-5-5 as follows:

4 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

5 Sec. 3-14-1. Release from the institution.

6 (a) Upon release of a person on parole, mandatory release,
7 final discharge, or pardon, the Department shall return all
8 property held for him, provide him with suitable clothing and
9 procure necessary transportation for him to his designated
10 place of residence and employment. It may provide such person
11 with a grant of money for travel and expenses which may be paid
12 in installments. The amount of the money grant shall be
13 determined by the Department.

14 (a-1) The Department shall, before a wrongfully imprisoned
15 person, as defined in Section 3-1-2 of this Code, is
16 discharged from the Department, provide him or her with any
17 documents necessary after discharge.

18 (a-2) The Department of Corrections may establish and
19 maintain, in any institution it administers, revolving funds
20 to be known as "Travel and Allowances Revolving Funds". These
21 revolving funds shall be used for advancing travel and expense
22 allowances to committed, paroled, and discharged prisoners.
23 The moneys paid into such revolving funds shall be from
24 appropriations to the Department for Committed, Paroled, and

1 Discharged Prisoners.

2 (a-3) (Blank). ~~Upon release of a person who is eligible to~~
3 ~~vote on parole, mandatory release, final discharge, or pardon,~~
4 ~~the Department shall provide the person with a form that~~
5 ~~informs him or her that his or her voting rights have been~~
6 ~~restored and a voter registration application. The Department~~
7 ~~shall have available voter registration applications in the~~
8 ~~languages provided by the Illinois State Board of Elections.~~
9 ~~The form that informs the person that his or her rights have~~
10 ~~been restored shall include the following information:~~

11 ~~(1) All voting rights are restored upon release from~~
12 ~~the Department's custody.~~

13 ~~(2) A person who is eligible to vote must register in~~
14 ~~order to be able to vote.~~

15 ~~The Department of Corrections shall confirm that the~~
16 ~~person received the voter registration application and has~~
17 ~~been informed that his or her voting rights have been~~
18 ~~restored.~~

19 (a-4) Prior to release of a person on parole, mandatory
20 supervised release, final discharge, or pardon, the Department
21 shall screen every person for Medicaid eligibility. Officials
22 of the correctional institution or facility where the
23 committed person is assigned shall assist an eligible person
24 to complete a Medicaid application to ensure that the person
25 begins receiving benefits as soon as possible after his or her
26 release. The application must include the eligible person's

1 address associated with his or her residence upon release from
2 the facility. If the residence is temporary, the eligible
3 person must notify the Department of Human Services of his or
4 her change in address upon transition to permanent housing.

5 (b) (Blank).

6 (c) Except as otherwise provided in this Code, the
7 Department shall establish procedures to provide written
8 notification of any release of any person who has been
9 convicted of a felony to the State's Attorney and sheriff of
10 the county from which the offender was committed, and the
11 State's Attorney and sheriff of the county into which the
12 offender is to be paroled or released. Except as otherwise
13 provided in this Code, the Department shall establish
14 procedures to provide written notification to the proper law
15 enforcement agency for any municipality of any release of any
16 person who has been convicted of a felony if the arrest of the
17 offender or the commission of the offense took place in the
18 municipality, if the offender is to be paroled or released
19 into the municipality, or if the offender resided in the
20 municipality at the time of the commission of the offense. If a
21 person convicted of a felony who is in the custody of the
22 Department of Corrections or on parole or mandatory supervised
23 release informs the Department that he or she has resided,
24 resides, or will reside at an address that is a housing
25 facility owned, managed, operated, or leased by a public
26 housing agency, the Department must send written notification

1 of that information to the public housing agency that owns,
2 manages, operates, or leases the housing facility. The written
3 notification shall, when possible, be given at least 14 days
4 before release of the person from custody, or as soon
5 thereafter as possible. The written notification shall be
6 provided electronically if the State's Attorney, sheriff,
7 proper law enforcement agency, or public housing agency has
8 provided the Department with an accurate and up to date email
9 address.

10 (c-1) (Blank).

11 (c-2) The Department shall establish procedures to provide
12 notice to the Illinois State Police of the release or
13 discharge of persons convicted of violations of the
14 Methamphetamine Control and Community Protection Act or a
15 violation of the Methamphetamine Precursor Control Act. The
16 Illinois State Police shall make this information available to
17 local, State, or federal law enforcement agencies upon
18 request.

19 (c-5) If a person on parole or mandatory supervised
20 release becomes a resident of a facility licensed or regulated
21 by the Department of Public Health, the Illinois Department of
22 Public Aid, or the Illinois Department of Human Services, the
23 Department of Corrections shall provide copies of the
24 following information to the appropriate licensing or
25 regulating Department and the licensed or regulated facility
26 where the person becomes a resident:

1 (1) The mittimus and any pre-sentence investigation
2 reports.

3 (2) The social evaluation prepared pursuant to Section
4 3-8-2.

5 (3) Any pre-release evaluation conducted pursuant to
6 subsection (j) of Section 3-6-2.

7 (4) Reports of disciplinary infractions and
8 dispositions.

9 (5) Any parole plan, including orders issued by the
10 Prisoner Review Board, and any violation reports and
11 dispositions.

12 (6) The name and contact information for the assigned
13 parole agent and parole supervisor.

14 This information shall be provided within 3 days of the
15 person becoming a resident of the facility.

16 (c-10) If a person on parole or mandatory supervised
17 release becomes a resident of a facility licensed or regulated
18 by the Department of Public Health, the Illinois Department of
19 Public Aid, or the Illinois Department of Human Services, the
20 Department of Corrections shall provide written notification
21 of such residence to the following:

22 (1) The Prisoner Review Board.

23 (2) The chief of police and sheriff in the
24 municipality and county in which the licensed facility is
25 located.

26 The notification shall be provided within 3 days of the

1 person becoming a resident of the facility.

2 (d) Upon the release of a committed person on parole,
3 mandatory supervised release, final discharge, or pardon, the
4 Department shall provide such person with information
5 concerning programs and services of the Illinois Department of
6 Public Health to ascertain whether such person has been
7 exposed to the human immunodeficiency virus (HIV) or any
8 identified causative agent of Acquired Immunodeficiency
9 Syndrome (AIDS).

10 (e) Upon the release of a committed person on parole,
11 mandatory supervised release, final discharge, pardon, or who
12 has been wrongfully imprisoned, the Department shall verify
13 the released person's full name, date of birth, and social
14 security number. If verification is made by the Department by
15 obtaining a certified copy of the released person's birth
16 certificate and the released person's social security card or
17 other documents authorized by the Secretary, the Department
18 shall provide the birth certificate and social security card
19 or other documents authorized by the Secretary to the released
20 person. If verification by the Department is done by means
21 other than obtaining a certified copy of the released person's
22 birth certificate and the released person's social security
23 card or other documents authorized by the Secretary, the
24 Department shall complete a verification form, prescribed by
25 the Secretary of State, and shall provide that verification
26 form to the released person.

1 (f) Forty-five days prior to the scheduled discharge of a
2 person committed to the custody of the Department of
3 Corrections, the Department shall give the person:

4 (1) who is otherwise uninsured an opportunity to apply
5 for health care coverage including medical assistance
6 under Article V of the Illinois Public Aid Code in
7 accordance with subsection (b) of Section 1-8.5 of the
8 Illinois Public Aid Code, and the Department of
9 Corrections shall provide assistance with completion of
10 the application for health care coverage including medical
11 assistance;

12 (2) information about obtaining a standard Illinois
13 Identification Card or a limited-term Illinois
14 Identification Card under Section 4 of the Illinois
15 Identification Card Act;

16 (3) information about voter registration and may
17 distribute information prepared by the State Board of
18 Elections. The Department of Corrections may enter into an
19 interagency contract with the State Board of Elections to
20 participate in the automatic voter registration program
21 and be a designated automatic voter registration agency
22 under Section 1A-16.2 of the Election Code;

23 (4) information about job listings upon discharge from
24 the correctional institution or facility;

25 (5) information about available housing upon discharge
26 from the correctional institution or facility;

1 (6) a directory of elected State officials and of
2 officials elected in the county and municipality, if any,
3 in which the committed person intends to reside upon
4 discharge from the correctional institution or facility;
5 and

6 (7) any other information that the Department of
7 Corrections deems necessary to provide the committed
8 person in order for the committed person to reenter the
9 community and avoid recidivism.

10 The Department may adopt rules to implement this Section.

11 (Source: P.A. 101-351, eff. 1-1-20; 101-442, eff. 1-1-20;
12 102-538, eff. 8-20-21; 102-558, eff. 8-20-21; 102-606, eff.
13 1-1-22; 102-813, eff. 5-13-22.)

14 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

23 (c) A person convicted of a felony or otherwise under
24 sentence in a correctional institution shall have his or her
25 right to vote restored not later than 14 days following his or

1 ~~her conviction sentenced to imprisonment shall lose his right~~
2 ~~to vote until released from imprisonment.~~

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

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

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

26 (g) This Section shall not affect the right of a defendant

1 to collaterally attack his conviction or to rely on it in bar
2 of subsequent proceedings for the same offense.

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

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

15 (2) the issuance of the license would involve an
16 unreasonable risk to property or to the safety or welfare
17 of specific individuals or the general public.

18 In making such a determination, the licensing agency shall
19 consider the following factors:

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

24 (2) the specific duties and responsibilities
25 necessarily related to the license being sought;

26 (3) the bearing, if any, the criminal offenses or

1 offenses for which the person was previously convicted
2 will have on his or her fitness or ability to perform one
3 or more such duties and responsibilities;

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

6 (5) the age of the person at the time of occurrence of
7 the criminal offense or offenses;

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

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

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

18 (i) A certificate of relief from disabilities shall be
19 issued only for a license or certification issued under the
20 following Acts:

21 (1) the Animal Welfare Act; except that a certificate
22 of relief from disabilities may not be granted to provide
23 for the issuance or restoration of a license under the
24 Animal Welfare Act for any person convicted of violating
25 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
26 Care for Animals Act or Section 26-5 or 48-1 of the

1 Criminal Code of 1961 or the Criminal Code of 2012;

2 (2) the Illinois Athletic Trainers Practice Act;

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

5 (4) the Boiler and Pressure Vessel Repairer Regulation
6 Act;

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

8 (6) the Illinois Certified Shorthand Reporters Act of
9 1984;

10 (7) the Illinois Farm Labor Contractor Certification
11 Act;

12 (8) the Registered Interior Designers Act;

13 (9) the Illinois Professional Land Surveyor Act of
14 1989;

15 (10) the Landscape Architecture Registration Act;

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

17 (12) the Private Employment Agency Act;

18 (13) the Professional Counselor and Clinical
19 Professional Counselor Licensing and Practice Act;

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

21 (15) the Illinois Roofing Industry Licensing Act;

22 (16) the Professional Engineering Practice Act of
23 1989;

24 (17) the Water Well and Pump Installation Contractor's
25 License Act;

26 (18) the Electrologist Licensing Act;

- 1 (19) the Auction License Act;
- 2 (20) the Illinois Architecture Practice Act of 1989;
- 3 (21) the Dietitian Nutritionist Practice Act;
- 4 (22) the Environmental Health Practitioner Licensing
5 Act;
- 6 (23) the Funeral Directors and Embalmers Licensing
7 Code;
- 8 (24) (blank);
- 9 (25) the Professional Geologist Licensing Act;
- 10 (26) the Illinois Public Accounting Act; and
- 11 (27) the Structural Engineering Practice Act of 1989.
- 12 (Source: P.A. 102-284, eff. 8-6-21.)

13 Section 99. Effective date. This Act takes effect January
14 1, 2024."