



Rep. Curtis J. Tarver, II

Filed: 5/11/2023

10300HB0351ham001

LRB103 03878 AWJ 61766 a

1 AMENDMENT TO HOUSE BILL 351

2 AMENDMENT NO. _____. Amend House Bill 351 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Election Code is amended by adding Section
5 1-20.1 as follows:

6 (10 ILCS 5/1-20.1 new)

7 Sec. 1-20.1. Task Force to Review Eligibility to Hold
8 Public Office.

9 (a) The Task Force to Review Eligibility to Hold Public
10 Office is created. The purpose of the Task Force is to review
11 what criminal conduct precludes a person from holding public
12 office in this State and to make recommendations as to what
13 criminal conduct should preclude an individual from holding
14 public office.

15 (b) The Task Force shall be comprised of the following
16 members:

1 (1) The president of a statewide bar association or
2 his or her designee, the executive director of a statewide
3 association advocating for the advancement of civil
4 liberties or his or her designee, an executive director of
5 a legal aid organization or statewide association with a
6 practice group dedicated to or focused on returning
7 citizen expungements and sealing of criminal records, all
8 appointed by the Governor.

9 (2) 4 members of the public, one appointed by each of
10 the following: the Speaker of the House of
11 Representatives; the Minority Leader of the House of
12 Representatives; the President of the Senate; and the
13 Minority Leader of the Senate.

14 (3) 2 individuals who have been formerly incarcerated,
15 appointed by the Governor.

16 (4) The Attorney General or his or her designee.

17 (5) 2 State Representatives appointed by the Speaker
18 of the House of Representatives; one State Representative
19 appointed by the Minority Leader of the House of
20 Representatives; 2 State Senators appointed by the
21 President of the Senate; one State Senator appointed by
22 the Minority Leader of the Senate.

23 The members of the Task Force shall serve without
24 compensation. All appointments under this subsection must be
25 made within 30 days after the effective date of this
26 amendatory Act of the 103rd General Assembly.

1 (c) The Illinois Sentencing Policy Advisory Council shall
2 provide administrative and technical support to the Task Force
3 and be responsible for administering its operations and
4 ensuring that the requirements of the Task Force are met. The
5 Executive Director of the Council shall appoint a
6 cochairperson for the Task Force and the President of the
7 Senate and the Speaker of the House of Representatives shall
8 jointly appoint a cochairperson for the Task Force.

9 (d) The Task Force shall meet at least 4 times with the
10 first meeting occurring within 60 days after the effective
11 date of this amendatory Act of the 103rd General Assembly. The
12 Executive Director of the Illinois Sentencing Policy Advisory
13 Council shall designate the day, time, and place for each
14 meeting of the Task Force.

15 (e) The Task Force shall review what conduct currently
16 precludes an individual from holding public office in this
17 State; the policy rationale for precluding an individual from
18 holding public office based on certain criminal conduct;
19 available research and best practices for restoring returning
20 individuals to full citizenship; and the processes of
21 restoration of eligibility to hold public office in this
22 State. After this review, the Task Force shall make
23 recommendations as to what criminal conduct shall preclude an
24 individual from holding public office in this State.

25 (f) The Task Force shall produce a report detailing the
26 Task Force's findings and recommendations and needed

1 resources. The Task Force shall submit a report of its
2 findings and recommendations to the General Assembly and the
3 Governor by May 1, 2024.

4 (g) This Section is repealed on January 1, 2025.

5 Section 10. The Unified Code of Corrections is amended by
6 changing Section 5-5-5 as follows:

7 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

16 (b-5) Notwithstanding any other provision of law, a person
17 convicted of a felony, bribery, perjury, or other infamous
18 crime for an offense committed on or after the effective date
19 of this amendatory Act of the 103rd General Assembly and
20 committed while he or she was serving as a public official in
21 this State is ineligible to hold any local public office or any
22 office created by the Constitution of this State unless the
23 person's conviction is reversed, the person is again restored
24 to such rights by the terms of a pardon for the offense, the

1 person has received a restoration of rights by the Governor,
2 or the person's rights are otherwise restored by law.

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

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

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

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

1 issuance of the order.

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

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

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

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

20 In making such a determination, the licensing agency shall
21 consider the following factors:

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

26 (2) the specific duties and responsibilities

1 necessarily related to the license being sought;

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

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

8 (5) the age of the person at the time of occurrence of
9 the criminal offense or offenses;

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

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

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

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

23 (1) the Animal Welfare Act; except that a certificate
24 of relief from disabilities may not be granted to provide
25 for the issuance or restoration of a license under the
26 Animal Welfare Act for any person convicted of violating

1 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
2 Care for Animals Act or Section 26-5 or 48-1 of the
3 Criminal Code of 1961 or the Criminal Code of 2012;

4 (2) the Illinois Athletic Trainers Practice Act;

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

7 (4) the Boiler and Pressure Vessel Repairer Regulation
8 Act;

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

10 (6) the Illinois Certified Shorthand Reporters Act of
11 1984;

12 (7) the Illinois Farm Labor Contractor Certification
13 Act;

14 (8) the Registered Interior Designers Act;

15 (9) the Illinois Professional Land Surveyor Act of
16 1989;

17 (10) the Landscape Architecture Registration Act;

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

19 (12) the Private Employment Agency Act;

20 (13) the Professional Counselor and Clinical
21 Professional Counselor Licensing and Practice Act;

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

23 (15) the Illinois Roofing Industry Licensing Act;

24 (16) the Professional Engineering Practice Act of
25 1989;

26 (17) the Water Well and Pump Installation Contractor's

1 License Act;

2 (18) the Electrologist Licensing Act;

3 (19) the Auction License Act;

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

5 (21) the Dietitian Nutritionist Practice Act;

6 (22) the Environmental Health Practitioner Licensing
7 Act;

8 (23) the Funeral Directors and Embalmers Licensing
9 Code;

10 (24) (blank);

11 (25) the Professional Geologist Licensing Act;

12 (26) the Illinois Public Accounting Act; and

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

14 (Source: P.A. 102-284, eff. 8-6-21.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."