



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5904

Introduced 11/12/2024, by Rep. La Shawn K. Ford

#### SYNOPSIS AS INTRODUCED:

10 ILCS 5/29-15	from Ch. 46, par. 29-15
65 ILCS 5/3.1-10-5	from Ch. 24, par. 3.1-10-5
730 ILCS 5/5-5-5	from Ch. 38, par. 1005-5-5

Amends the Unified Code of Corrections. Provides that a person convicted of a felony, after the completion of his or her sentence, including the completion of his or her parole or mandatory supervised release term, shall be eligible to be nominated for, and elected to, an elective public office. Provides that the provision does not apply to a person convicted of a felony, bribery, perjury, or other infamous crime for an offense committed while he or she was serving as a public official in the State. Defines "elective public office". Amends the Election Code and the Illinois Municipal Code to make conforming changes.

LRB103 43169 RLC 76431 b

1 AN ACT concerning elected public office.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Election Code is amended by changing  
5 Section 29-15 as follows:

6 (10 ILCS 5/29-15) (from Ch. 46, par. 29-15)

7 Sec. 29-15. Conviction deemed infamous. Except as  
8 otherwise provided in subsection (b-6) of Section 5-5-5 of the  
9 Unified Code of Corrections, any ~~Any~~ person convicted of an  
10 infamous crime as such term is defined in Section 124-1 of the  
11 Code of Criminal Procedure of 1963, as amended, shall  
12 thereafter be prohibited from holding any office of honor,  
13 trust, or profit, unless such person is again restored to such  
14 rights by the terms of a pardon for the offense, has received a  
15 restoration of rights by the Governor, or otherwise according  
16 to law. Any time after a judgment of conviction is rendered, a  
17 person convicted of an infamous crime may petition the  
18 Governor for a restoration of rights.

19 The changes made to this Section by this amendatory Act of  
20 the 102nd General Assembly are declarative of existing law.

21 (Source: P.A. 102-15, eff. 6-17-21.)

22 Section 10. The Illinois Municipal Code is amended by

1 changing Section 3.1-10-5 as follows:

2 (65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

3 Sec. 3.1-10-5. Qualifications; elective office.

4 (a) A person is not eligible for an elective municipal  
5 office unless that person is a qualified elector of the  
6 municipality and has resided in the municipality at least one  
7 year next preceding the election or appointment, except as  
8 provided in Section 3.1-20-25, subsection (b) of Section  
9 3.1-25-75, Section 5-2-2, or Section 5-2-11.

10 (b) Except as otherwise provided in subsection (b-6) of  
11 Section 5-5-5 of the Unified Code of Corrections, a ~~A~~ person is  
12 not eligible to take the oath of office for a municipal office  
13 if that person is, at the time required for taking the oath of  
14 office, in arrears in the payment of a tax or other  
15 indebtedness due to the municipality or has been convicted in  
16 any court located in the United States of any infamous crime,  
17 bribery, perjury, or other felony, unless such person is again  
18 restored to his or her rights of citizenship that may have been  
19 forfeited under Illinois law as a result of a conviction,  
20 which includes eligibility to hold elected municipal office,  
21 by the terms of a pardon for the offense, has received a  
22 restoration of rights by the Governor, or otherwise according  
23 to law. Any time after a judgment of conviction is rendered, a  
24 person convicted of an infamous crime, bribery, perjury, or  
25 other felony may petition the Governor for a restoration of

1 rights.

2 The changes made to this subsection by this amendatory Act  
3 of the 102nd General Assembly are declarative of existing law  
4 and apply to all persons elected at the April 4, 2017  
5 consolidated election and to persons elected or appointed  
6 thereafter.

7 (b-5) (Blank).

8 (c) A person is not eligible for the office of alderperson  
9 of a ward unless that person has resided in the ward that the  
10 person seeks to represent, and a person is not eligible for the  
11 office of trustee of a district unless that person has resided  
12 in the municipality, at least one year next preceding the  
13 election or appointment, except as provided in Section  
14 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2,  
15 or Section 5-2-11.

16 (d) If a person (i) is a resident of a municipality  
17 immediately prior to the active duty military service of that  
18 person or that person's spouse, (ii) resides anywhere outside  
19 of the municipality during that active duty military service,  
20 and (iii) immediately upon completion of that active duty  
21 military service is again a resident of the municipality, then  
22 the time during which the person resides outside the  
23 municipality during the active duty military service is deemed  
24 to be time during which the person is a resident of the  
25 municipality for purposes of determining the residency  
26 requirement under subsection (a).

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

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

4 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

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

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

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

24 (b-6) Except as otherwise provided in subsection (b-5) and

1 notwithstanding any other law, a person convicted of a felony,  
2 after the completion of his or her sentence, including the  
3 completion of his or her parole or mandatory supervised  
4 release term, shall be eligible to be nominated for, and  
5 elected to, an elective public office. As used in this  
6 subsection (b-6), "elective public office" means an office for  
7 which a person is elected that has been created by the  
8 Constitution of this State, a law of this State, or a county or  
9 municipal ordinance or referendum.

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

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

23 (e) Upon a person's discharge from incarceration or  
24 parole, or upon a person's discharge from probation or at any  
25 time thereafter, the committing court may enter an order  
26 certifying that the sentence has been satisfactorily completed

1 when the court believes it would assist in the rehabilitation  
2 of the person and be consistent with the public welfare. Such  
3 order may be entered upon the motion of the defendant or the  
4 State or upon the court's own motion.

5 (f) Upon entry of the order, the court shall issue to the  
6 person in whose favor the order has been entered a certificate  
7 stating that his behavior after conviction has warranted the  
8 issuance of the order.

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

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

21 (1) there is a direct relationship between one or more  
22 of the previous criminal offenses and the specific license  
23 sought; or

24 (2) the issuance of the license would involve an  
25 unreasonable risk to property or to the safety or welfare  
26 of specific individuals or the general public.

1           In making such a determination, the licensing agency shall  
2 consider the following factors:

3           (1) the public policy of this State, as expressed in  
4 Article 5.5 of this Chapter, to encourage the licensure  
5 and employment of persons previously convicted of one or  
6 more criminal offenses;

7           (2) the specific duties and responsibilities  
8 necessarily related to the license being sought;

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

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

15           (5) the age of the person at the time of occurrence of  
16 the criminal offense or offenses;

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

18           (7) any information produced by the person or produced  
19 on his or her behalf in regard to his or her rehabilitation  
20 and good conduct, including a certificate of relief from  
21 disabilities issued to the applicant, which certificate  
22 shall create a presumption of rehabilitation in regard to  
23 the offense or offenses specified in the certificate; and

24           (8) the legitimate interest of the licensing agency in  
25 protecting property, and the safety and welfare of  
26 specific individuals or the general public.



1 (i) A certificate of relief from disabilities shall be  
2 issued only for a license or certification issued under the  
3 following Acts:

4 (1) the Animal Welfare Act; except that a certificate  
5 of relief from disabilities may not be granted to provide  
6 for the issuance or restoration of a license under the  
7 Animal Welfare Act for any person convicted of violating  
8 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
9 Care for Animals Act or Section 26-5 or 48-1 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012;

11 (2) the Illinois Athletic Trainers Practice Act;

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

14 (4) the Boiler and Pressure Vessel Repairer Regulation  
15 Act;

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

17 (6) the Illinois Certified Shorthand Reporters Act of  
18 1984;

19 (7) the Illinois Farm Labor Contractor Certification  
20 Act;

21 (8) the Registered Interior Designers Act;

22 (9) the Illinois Professional Land Surveyor Act of  
23 1989;

24 (10) the Landscape Architecture Registration Act;

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

26 (12) the Private Employment Agency Act;

1           (13) the Professional Counselor and Clinical  
2 Professional Counselor Licensing and Practice Act;

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

4           (15) the Illinois Roofing Industry Licensing Act;

5           (16) the Professional Engineering Practice Act of  
6 1989;

7           (17) the Water Well and Pump Installation Contractor's  
8 License Act;

9           (18) the Electrologist Licensing Act;

10          (19) the Auction License Act;

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

12          (21) the Dietitian Nutritionist Practice Act;

13          (22) the Environmental Health Practitioner Licensing  
14 Act;

15          (23) the Funeral Directors and Embalmers Licensing  
16 Code;

17          (24) (blank);

18          (25) the Professional Geologist Licensing Act;

19          (26) the Illinois Public Accounting Act; and

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

21 (Source: P.A. 102-284, eff. 8-6-21; 103-562, eff. 11-17-23.)