

1                                    AMENDMENT TO SENATE BILL 125

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 125, AS AMENDED,  
3 as follows:

4 by replacing everything after the enacting clause with the  
5 following:

6            "Section 5. The Unified Code of Corrections is amended  
7 by changing Sections 3-3-2 and 5-5-5 and adding Article 5.5  
8 to Chapter V as follows:

9            (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)  
10            Sec. 3-3-2. Powers and Duties.

11            (a) The Parole and Pardon Board is abolished and the  
12 term "Parole and Pardon Board" as used in any law of  
13 Illinois, shall read "Prisoner Review Board." After the  
14 effective date of this amendatory Act of 1977, the Prisoner  
15 Review Board shall provide by rule for the orderly transition  
16 of all files, records, and documents of the Parole and Pardon  
17 Board and for such other steps as may be necessary to effect  
18 an orderly transition and shall:

19            (1) hear by at least one member and through a panel  
20 of at least 3 members decide, cases of prisoners who were  
21 sentenced under the law in effect prior to the effective

1 date of this amendatory Act of 1977, and who are eligible  
2 for parole;

3 (2) hear by at least one member and through a panel  
4 of at least 3 members decide, the conditions of parole  
5 and the time of discharge from parole, impose sanctions  
6 for violations of parole, and revoke parole for those  
7 sentenced under the law in effect prior to this  
8 amendatory Act of 1977; provided that the decision to  
9 parole and the conditions of parole for all prisoners who  
10 were sentenced for first degree murder or who received a  
11 minimum sentence of 20 years or more under the law in  
12 effect prior to February 1, 1978 shall be determined by a  
13 majority vote of the Prisoner Review Board;

14 (3) hear by at least one member and through a panel  
15 of at least 3 members decide, the conditions of mandatory  
16 supervised release and the time of discharge from  
17 mandatory supervised release, impose sanctions for  
18 violations of mandatory supervised release, and revoke  
19 mandatory supervised release for those sentenced under  
20 the law in effect after the effective date of this  
21 amendatory Act of 1977;

22 (4) hear by at least 1 member and through a panel  
23 of at least 3 members, decide cases brought by the  
24 Department of Corrections against a prisoner in the  
25 custody of the Department for alleged violation of  
26 Department rules with respect to good conduct credits  
27 pursuant to Section 3-6-3 of this Code in which the  
28 Department seeks to revoke good conduct credits, if the  
29 amount of time at issue exceeds 30 days or when, during  
30 any 12 month period, the cumulative amount of credit  
31 revoked exceeds 30 days except where the infraction is  
32 committed or discovered within 60 days of scheduled  
33 release. In such cases, the Department of Corrections may  
34 revoke up to 30 days of good conduct credit. The Board

1 may subsequently approve the revocation of additional  
 2 good conduct credit, if the Department seeks to revoke  
 3 good conduct credit in excess of thirty days. However,  
 4 the Board shall not be empowered to review the  
 5 Department's decision with respect to the loss of 30 days  
 6 of good conduct credit for any prisoner or to increase  
 7 any penalty beyond the length requested by the  
 8 Department;

9 (5) hear by at least one member and through a panel  
 10 of at least 3 members decide, the release dates for  
 11 certain prisoners sentenced under the law in existence  
 12 prior to the effective date of this amendatory Act of  
 13 1977, in accordance with Section 3-3-2.1 of this Code;

14 (6) hear by at least one member and through a panel  
 15 of at least 3 members decide, all requests for pardon,  
 16 reprieve or commutation, and make confidential  
 17 recommendations to the Governor;

18 (7) comply with the requirements of the Open Parole  
 19 Hearings Act; and

20 (8) hear by at least one member and, through a  
 21 panel of at least 3 members, decide cases brought by the  
 22 Department of Corrections against a prisoner in the  
 23 custody of the Department for court dismissal of a  
 24 frivolous lawsuit pursuant to Section 3-6-3(d) of this  
 25 Code in which the Department seeks to revoke up to 180  
 26 days of good conduct credit, and if the prisoner has not  
 27 accumulated 180 days of good conduct credit at the time  
 28 of the dismissal, then all good conduct credit  
 29 accumulated by the prisoner shall be revoked; and-

30 (9) hear by at least 3 members, and through a panel  
 31 of at least 3 members, decide as to whether to grant  
 32 certificates of relief from disabilities or certificates  
 33 of good conduct as provided in Article 5.5 of Chapter V.

34 (a-5) The Prisoner Review Board, with the cooperation of

1 and in coordination with the Department of Corrections and  
2 the Department of Central Management Services, shall  
3 implement a pilot project in 3 correctional institutions  
4 providing for the conduct of hearings under paragraphs (1)  
5 and (4) of subsection (a) of this Section through interactive  
6 video conferences. The project shall be implemented within 6  
7 months after the effective date of this amendatory Act of  
8 1996. Within 6 months after the implementation of the pilot  
9 project, the Prisoner Review Board, with the cooperation of  
10 and in coordination with the Department of Corrections and  
11 the Department of Central Management Services, shall report  
12 to the Governor and the General Assembly regarding the use,  
13 costs, effectiveness, and future viability of interactive  
14 video conferences for Prisoner Review Board hearings.

15 (b) Upon recommendation of the Department the Board may  
16 restore good conduct credit previously revoked.

17 (c) The Board shall cooperate with the Department in  
18 promoting an effective system of parole and mandatory  
19 supervised release.

20 (d) The Board shall promulgate rules for the conduct of  
21 its work, and the Chairman shall file a copy of such rules  
22 and any amendments thereto with the Director and with the  
23 Secretary of State.

24 (e) The Board shall keep records of all of its official  
25 actions and shall make them accessible in accordance with law  
26 and the rules of the Board.

27 (f) The Board or one who has allegedly violated the  
28 conditions of his parole or mandatory supervised release may  
29 require by subpoena the attendance and testimony of witnesses  
30 and the production of documentary evidence relating to any  
31 matter under investigation or hearing. The Chairman of the  
32 Board may sign subpoenas which shall be served by any agent  
33 or public official authorized by the Chairman of the Board,  
34 or by any person lawfully authorized to serve a subpoena

1 under the laws of the State of Illinois. The attendance of  
2 witnesses, and the production of documentary evidence, may be  
3 required from any place in the State to a hearing location in  
4 the State before the Chairman of the Board or his designated  
5 agent or agents or any duly constituted Committee or  
6 Subcommittee of the Board. Witnesses so summoned shall be  
7 paid the same fees and mileage that are paid witnesses in the  
8 circuit courts of the State, and witnesses whose depositions  
9 are taken and the persons taking those depositions are each  
10 entitled to the same fees as are paid for like services in  
11 actions in the circuit courts of the State. Fees and mileage  
12 shall be vouchered for payment when the witness is discharged  
13 from further attendance.

14 In case of disobedience to a subpoena, the Board may  
15 petition any circuit court of the State for an order  
16 requiring the attendance and testimony of witnesses or the  
17 production of documentary evidence or both. A copy of such  
18 petition shall be served by personal service or by registered  
19 or certified mail upon the person who has failed to obey the  
20 subpoena, and such person shall be advised in writing that a  
21 hearing upon the petition will be requested in a court room  
22 to be designated in such notice before the judge hearing  
23 motions or extraordinary remedies at a specified time, on a  
24 specified date, not less than 10 nor more than 15 days after  
25 the deposit of the copy of the written notice and petition in  
26 the U.S. mails addressed to the person at his last known  
27 address or after the personal service of the copy of the  
28 notice and petition upon such person. The court upon the  
29 filing of such a petition, may order the person refusing to  
30 obey the subpoena to appear at an investigation or hearing,  
31 or to there produce documentary evidence, if so ordered, or  
32 to give evidence relative to the subject matter of that  
33 investigation or hearing. Any failure to obey such order of  
34 the circuit court may be punished by that court as a contempt

1 of court.

2 Each member of the Board and any hearing officer  
3 designated by the Board shall have the power to administer  
4 oaths and to take the testimony of persons under oath.

5 (g) Except under subsection (a) of this Section, a  
6 majority of the members then appointed to the Prisoner Review  
7 Board shall constitute a quorum for the transaction of all  
8 business of the Board.

9 (h) The Prisoner Review Board shall annually transmit to  
10 the Director a detailed report of its work for the preceding  
11 calendar year. The annual report shall also be transmitted to  
12 the Governor for submission to the Legislature.

13 (Source: P.A. 90-14, eff. 7-1-97; 91-798, eff. 7-9-00;  
14 91-946, eff. 2-9-01.)

15 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

16 Sec. 5-5-5. Loss and Restoration of Rights.

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

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

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

26 (d) On completion of sentence of imprisonment or upon  
27 discharge from probation, conditional discharge or periodic  
28 imprisonment, or at any time thereafter, all license rights  
29 and privileges granted under the authority of this State  
30 which have been revoked or suspended because of conviction of  
31 an offense shall be restored unless the authority having  
32 jurisdiction of such license rights finds after investigation  
33 and hearing that restoration is not in the public interest.

1 This paragraph (d) shall not apply to the suspension or  
2 revocation of a license to operate a motor vehicle under the  
3 Illinois Vehicle Code.

4 (e) Upon a person's discharge from incarceration or  
5 parole, or upon a person's discharge from probation or at any  
6 time thereafter, the committing court may enter an order  
7 certifying that the sentence has been satisfactorily  
8 completed when the court believes it would assist in the  
9 rehabilitation of the person and be consistent with the  
10 public welfare. Such order may be entered upon the motion of  
11 the defendant or the State or upon the court's own motion.

12 (f) Upon entry of the order, the court shall issue to  
13 the person in whose favor the order has been entered a  
14 certificate stating that his behavior after conviction has  
15 warranted the issuance of the order.

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

19 (h) No application for any license or privileges granted  
20 under the authority of this State shall be denied by reason  
21 of an eligible offender, as defined in Article 5.5 of this  
22 Chapter, having been previously convicted of one or more  
23 criminal offenses, or by reason of a finding of lack of "good  
24 moral character" when the finding is based upon the fact that  
25 the applicant has previously been convicted of one or more  
26 criminal offenses, unless:

27 (1) there is a direct relationship between one or  
28 more of the previous criminal offenses and the specific  
29 license sought; or

30 (2) the issuance of the license or the granting of  
31 the employment would involve an unreasonable risk to  
32 property or to the safety or welfare of specific  
33 individuals or the general public.

34 In making such a determination, the licensing agency

1 shall consider the following factors:

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

6 (2) the specific duties and responsibilities  
7 necessarily related to the license or employment being  
8 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  
14 of the criminal offense or offenses;

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

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

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

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

28 (i) A certificate of relief from disabilities shall be  
29 issued only to restore a license or certification issued  
30 under the following Acts:

31 (1) the Animal Welfare Act;

32 (2) the Illinois Athletic Trainers Practice Act;

33 (3) the Barber, Cosmetology, Esthetics, and Nail  
34 Technology Act of 1985;



1           (4) the Boiler and Pressure Vessel Repairer  
2 Regulation Act;

3           (5) the Professional Boxing Act;

4           (6) the Illinois Certified Shorthand Reporters Act  
5 of 1984;

6           (7) the Illinois Farm Labor Contractor  
7 Certification Act;

8           (8) the Interior Design Title Act;

9           (9) the Illinois Professional Land Surveyor Act of  
10 1989;

11           (10) the Illinois Landscape Architecture Act of  
12 1989;

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

14           (12) the Private Employment Agency Act;

15           (13) the Professional Counselor and Clinical  
16 Professional Counselor Licensing Act;

17           (14) the Real Estate License Act of 2000; and

18           (15) the Illinois Roofing Industry Licensing Act.

19 (Source: P.A. 86-558.)

20 (730 ILCS 5/Chap. V, Art. 5.5 heading new)

21 ARTICLE 5.5. DISCRETIONARY RELIEF FROM FORFEITURES AND  
22 DISABILITIES AUTOMATICALLY IMPOSED BY LAW

23 (730 ILCS 5/5-5.5-5 new)

24 Sec. 5-5.5-5. Definitions and rules of construction. In  
25 this Article:

26 "Eligible offender" shall mean a person who has been  
27 convicted of a crime or of an offense that is not a crime of  
28 violence as defined in Section 2 of the Crime Victims  
29 Compensation Act, but who has not been convicted more than  
30 once of a felony.

31 "Felony" means a conviction of a felony in this State, or  
32 of an offense in any other jurisdiction for which a sentence

1 to a term of imprisonment in excess of one year, or a  
2 sentence of death, was authorized.

3 For the purposes of this Article the following rules of  
4 construction apply:

5 (i) two or more convictions of felonies charged in  
6 separate counts of one indictment or information shall be  
7 deemed to be one conviction;

8 (ii) two or more convictions of felonies charged in  
9 2 or more indictments or informations, filed in the same  
10 court prior to entry of judgment under any of them, shall  
11 be deemed to be one conviction; and

12 (iii) a plea or a verdict of guilty upon which a  
13 sentence of probation, conditional discharge, or  
14 supervision has been imposed shall be deemed to be a  
15 conviction.

16 (730 ILCS 5/5-5.5-10 new)

17 Sec. 5-5.5-10. Certificate of relief from disabilities.

18 (a) A certificate of relief from disabilities may be  
19 granted as provided in this Article to relieve an eligible  
20 offender of any forfeiture or disability or to remove any bar  
21 to his or her employment automatically imposed by law by  
22 reason of his or her conviction of the crime or of the  
23 offense specified in the certificate. The certificate may be  
24 limited to one or more enumerated forfeitures, disabilities,  
25 or bars, or may relieve the eligible offender of all  
26 forfeitures, disabilities, and bars. No certificate shall  
27 apply, or be construed so as to apply, to the right of the  
28 person to retain or to be eligible for public office.

29 (b) Notwithstanding any other provision of law, a  
30 conviction of a crime or of an offense specified in a  
31 certificate of relief from disabilities does not cause  
32 automatic forfeiture of any license, permit, employment, or  
33 franchise, including the right to register for or vote at an

1 election, or automatic forfeiture of any other right or  
2 privilege held by the eligible offender and covered by the  
3 certificate. The conviction may not be deemed to be a  
4 conviction within the meaning of any provision of law that  
5 imposes, by reason of a conviction, a bar to any employment,  
6 a disability to exercise any right or a disability to apply  
7 for or to receive any license, permit, or other authority or  
8 privilege covered by the certificate; provided, however, a  
9 conviction for a second or subsequent violation of Section  
10 11-501 of the Illinois Vehicle Code committed within the  
11 preceding 10 years shall impose a disability to apply for or  
12 receive a driver's license or permit during the period  
13 provided in that Code. A certificate of relief from a  
14 disability imposed under Section 11-501 of the Illinois  
15 Vehicle Code may only be issued upon a determination that  
16 compelling circumstances warrant that relief.

17 (c) A certificate of relief from disabilities does not,  
18 however, in any way prevent any judicial, administrative,  
19 licensing, or other body, board, or authority from relying  
20 upon the conviction specified in the certificate as the basis  
21 for the exercise of its discretionary power to suspend,  
22 revoke, or refuse to issue or refuse to renew any license,  
23 permit, or other authority or privilege.

24 (730 ILCS 5/5-5.5-15 new)

25 Sec. 5-5.5-15. Certificates of relief from disabilities  
26 issued by courts.

27 (a) Any circuit court of this State may, in its  
28 discretion, issue a certificate of relief from disabilities  
29 to an eligible offender for a conviction that occurred in  
30 that court if the court imposed a sentence other than one  
31 executed by commitment to an institution under the Department  
32 of Corrections. The certificate may be issued (i) at the time  
33 sentence is pronounced, in which case it may grant relief

1 from forfeitures as well as from disabilities, or (ii) at any  
2 time thereafter, in which case it shall apply only to  
3 disabilities.

4 (b) The certificate may not be issued by the court  
5 unless the court is satisfied that:

6 (1) the person to whom it is to be granted is an  
7 eligible offender, as defined in Section 5-5.5-5;

8 (2) the relief to be granted by the certificate is  
9 consistent with the rehabilitation of the eligible  
10 offender; and

11 (3) the relief to be granted by the certificate is  
12 consistent with the public interest.

13 (c) If a certificate of relief from disabilities is not  
14 issued at the time sentence is pronounced it shall only be  
15 issued thereafter upon verified application to the court. The  
16 court may, for the purpose of determining whether the  
17 certificate shall be issued, request the probation or court  
18 services department to conduct an investigation of the  
19 applicant. Any probation officer requested to make an  
20 investigation under this Section shall prepare and submit to  
21 the court a written report in accordance with the request.

22 (d) Any court that has issued a certificate of relief  
23 from disabilities may at any time issue a new certificate to  
24 enlarge the relief previously granted provided that the  
25 provisions of clauses (1) through (3) of subsection (b) of  
26 this Section apply to the issuance of any such new  
27 certificate.

28 (e) Any written report submitted to the court under this  
29 Section is confidential and may not be made available to any  
30 person or public or private agency except if specifically  
31 required or permitted by statute or upon specific  
32 authorization of the court. However, it shall be made  
33 available by the court for examination by the applicant's  
34 attorney, or the applicant himself or herself, if he or she

1 has no attorney. In its discretion, the court may except from  
2 disclosure a part or parts of the report that are not  
3 relevant to the granting of a certificate, or sources of  
4 information which have been obtained on a promise of  
5 confidentiality, or any other portion of the report,  
6 disclosure of which would not be in the interest of justice.  
7 The action of the court excepting information from disclosure  
8 shall be subject to appellate review. The court, in its  
9 discretion, may hold a conference in open court or in  
10 chambers to afford an applicant an opportunity to controvert  
11 or to comment upon any portions of the report. The court may  
12 also conduct a summary hearing at the conference on any  
13 matter relevant to the granting of the application and may  
14 take testimony under oath.

15 (730 ILCS 5/5-5.5-20 new)

16 Sec. 5-5.5-20. Certificates of relief from disabilities  
17 issued by the Prisoner Review Board.

18 (a) The Prisoner Review Board shall have the power to  
19 issue a certificate of relief from disabilities to:

20 (1) any eligible offender who has been committed  
21 to an institution under the jurisdiction of the  
22 Department of Corrections. The certificate may be issued  
23 by the Board at the time the offender is released from  
24 the institution under the conditions of parole or  
25 mandatory supervised release or at any time thereafter;  
26 or

27 (2) any eligible offender who resides within this  
28 State and whose judgment of conviction was rendered by a  
29 court in any other jurisdiction.

30 (b) If the Prisoner Review Board has issued a certificate  
31 of relief from disabilities, the Board may at any time issue  
32 a new certificate enlarging the relief previously granted.

33 (c) The Prisoner Review Board may not issue any

1 certificate of relief from disabilities under subsections (a)  
2 or (b), unless the Board is satisfied that:

3 (1) the person to whom it is to be granted is an  
4 eligible offender, as defined in Section 5-5.5-5;

5 (2) the relief to be granted by the certificate is  
6 consistent with the rehabilitation of the eligible  
7 offender; and

8 (3) the relief to be granted by the certificate is  
9 consistent with the public interest.

10 (d) Any certificate of relief from disabilities issued  
11 by the Prisoner Review Board to an eligible offender, who at  
12 time of the issuance of the certificate is under the  
13 conditions of parole or mandatory supervised release  
14 established by the Board, shall be deemed to be a temporary  
15 certificate until such time as the eligible offender is  
16 discharged from parole or mandatory supervised release, and,  
17 while temporary, the certificate may be revoked by the Board  
18 for violation of the conditions of parole or mandatory  
19 supervised release. Revocation shall be upon notice to the  
20 parolee or releasee, who shall be accorded an opportunity to  
21 explain the violation prior to a decision on the revocation  
22 of the certificate. If the certificate is not so revoked, it  
23 shall become a permanent certificate upon expiration or  
24 termination of the offender's parole or mandatory supervised  
25 release term.

26 (e) In granting or revoking a certificate of relief from  
27 disabilities, the action of the Prisoner Review Board shall  
28 be by unanimous vote of the members authorized to grant or  
29 revoke parole or mandatory supervised release.

30 (f) The certificate may be limited to one or more  
31 enumerated disabilities or bars, or may relieve the  
32 individual of all disabilities and bars.

1       Sec. 5-5.5-25. Certificate of good conduct.

2       (a) A certificate of good conduct may be granted as  
3 provided in this Section to relieve an eligible offender of  
4 any disability, or to remove any bar to his or her  
5 employment, automatically imposed by law by reason of his or  
6 her conviction of the crime or of the offense specified in  
7 the certificate. The certificate may be limited to one or  
8 more enumerated disabilities or bars or may relieve the  
9 individual of all disabilities and bars.

10       (b) Notwithstanding any other provision of law, a  
11 conviction of a crime or of an offense specified in a  
12 certificate of good conduct may not be deemed to be a  
13 conviction within the meaning of any provision of law that  
14 imposes, by reason of a conviction, a bar to any employment,  
15 a disability to exercise any right or a disability to apply  
16 for or to receive any license, permit or other authority or  
17 privilege covered by the certificate.

18       (c) A certificate of good conduct may not, however, in  
19 any way prevent any judicial, administrative, licensing, or  
20 other body, board, or authority from considering the  
21 conviction specified in the certificate in accordance with  
22 the provisions of this Article.

23       (730 ILCS 5/5-5.5-30 new)

24       Sec. 5-5.5-30. Issuance of certificate of good conduct.

25       (a) The Prisoner Review Board, or any 3 members of the  
26 Board by unanimous vote, shall have the power to issue a  
27 certificate of good conduct to any eligible offender  
28 previously convicted of a crime in this State, when the Board  
29 is satisfied that:

- 30               (1) the applicant has conducted himself or herself  
31 in a manner warranting the issuance for a minimum period  
32 in accordance with the provisions of subsection (c) of  
33 this Section;

1           (2) the relief to be granted by the certificate is  
2           consistent with the rehabilitation of the applicant; and

3           (3) the relief to be granted is consistent with the  
4           public interest.

5           (b) The Prisoner Review Board, or any 3 members of the  
6           Board by unanimous vote, shall have the power to issue a  
7           certificate of good conduct to any person previously  
8           convicted of a crime in any other jurisdiction, when the  
9           Board is satisfied that:

10           (1) the applicant has demonstrated that there exist  
11           specific facts and circumstances and specific Sections of  
12           Illinois State law that have an adverse impact on the  
13           applicant and warrant the application for relief to be  
14           made in Illinois; and

15           (2) the provisions of paragraphs (1), (2), and (3)  
16           of subsection (a) of this Section have been met.

17           (c) The minimum period of good conduct by the individual  
18           referred to in paragraph (1) of subsection (a) of this  
19           Section, shall be as follows: if the most serious crime of  
20           which the individual was convicted is a misdemeanor, the  
21           minimum period of good conduct shall be one year; if the most  
22           serious crime of which the individual was convicted is a  
23           Class 1, 2, 3, or 4 felony, the minimum period of good  
24           conduct shall be 3 years; and, if the most serious crime of  
25           which the individual was convicted is first degree murder or  
26           a Class X felony, the minimum period of good conduct shall be  
27           5 years. Criminal acts committed outside the State shall be  
28           classified as acts committed within the State based on the  
29           maximum sentence that could have been imposed based upon the  
30           conviction under the laws of the foreign jurisdiction. The  
31           minimum period of good conduct by the individual shall be  
32           measured either from the date of the payment of any fine  
33           imposed upon him or her, or from the date of his or her  
34           release from custody by parole, mandatory supervised release



1 or commutation or termination of his or her sentence. The  
2 Board shall have power and it shall be its duty to  
3 investigate all persons when the application is made and to  
4 grant or deny the same within a reasonable time after the  
5 making of the application.

6 (d) If the Prisoner Review Board has issued a certificate  
7 of good conduct, the Board may at any time issue a new  
8 certificate enlarging the relief previously granted.

9 (e) Any certificate of good conduct by the Prisoner  
10 Review Board to an individual who at the time of the issuance  
11 of the certificate is under the conditions of parole or  
12 mandatory supervised release imposed by the Board shall be  
13 deemed to be a temporary certificate until the time as the  
14 individual is discharged from the terms of parole or  
15 mandatory supervised release, and, while temporary, the  
16 certificate may be revoked by the Board for violation of the  
17 conditions of parole or mandatory supervised release.  
18 Revocation shall be upon notice to the parolee or releasee,  
19 who shall be accorded an opportunity to explain the violation  
20 prior to a decision on the revocation. If the certificate is  
21 not so revoked, it shall become a permanent certificate upon  
22 expiration or termination of the offender's parole or  
23 mandatory supervised release term.

24 (730 ILCS 5/5-5.5-35 new)

25 Sec. 5-5.5-35. Effect of revocation; use of revoked  
26 certificate.

27 (a) If a certificate of relief from disabilities is  
28 deemed to be temporary and the certificate is revoked,  
29 disabilities and forfeitures thereby relieved shall be  
30 reinstated as of the date upon which the person to whom the  
31 certificate was issued receives written notice of the  
32 revocation. Any such person shall upon receipt of the notice  
33 surrender the certificate to the issuing court or Board.

1 (b) A person who knowingly uses or attempts to use a  
2 revoked certificate of relief from disabilities in order to  
3 obtain or to exercise any right or privilege that he or she  
4 would not be entitled to obtain or to exercise without a  
5 valid certificate is guilty of a Class A misdemeanor.

6 (730 ILCS 5/5-5.5-40 new)

7 Sec. 5-5.5-40. Forms and filing.

8 (a) All applications, certificates, and orders of  
9 revocation necessary for the purposes of this Article shall  
10 be upon forms prescribed under an agreement among the  
11 Director of Corrections and the Chairman of the Prisoner  
12 Review Board and the Chief Justice of the Supreme Court or  
13 his or her designee. The forms relating to certificates of  
14 relief from disabilities shall be distributed by the Director  
15 of the Division of Probation Services and forms relating to  
16 certificates of good conduct shall be distributed by the  
17 Chairman of the Prisoner Review Board.

18 (b) Any court or board issuing or revoking any  
19 certificate under this Article shall immediately file a copy  
20 of the certificate or of the order of revocation with the  
21 Director of State Police.

22 (730 ILCS 5/5-5.5-45 new)

23 Sec. 5-5.5-45. Certificate not to be deemed to be a  
24 pardon. Nothing contained in this Article shall be deemed to  
25 alter or limit or affect the manner of applying for pardons  
26 to the Governor, and no certificate issued under this Article  
27 shall be deemed or construed to be a pardon.

28 (730 ILCS 5/5-5.5-50 new)

29 Sec. 5-5.5-50. Report. The Department of Professional  
30 Regulation shall report to the General Assembly by November  
31 30 of each year, for each occupational licensure category,

1 the number of licensure applicants with felony convictions,  
2 the number of applicants with certificates of relief from  
3 disabilities, the number of licenses awarded to applicants  
4 with felony convictions, the number of licenses awarded to  
5 applicants with certificates of relief from disabilities, the  
6 number of applicants with felony convictions denied licenses,  
7 and the number of applicants with certificates of relief from  
8 disabilities denied licenses.

9       Section 99.   Effective date.   This Act takes effect  
10 January 1, 2004."