



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1358

Introduced 2/18/2009, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.22	
225 ILCS 105/1	from Ch. 111, par. 5001
225 ILCS 105/2	from Ch. 111, par. 5002
225 ILCS 105/10.5	
225 ILCS 105/16	from Ch. 111, par. 5016
730 ILCS 5/5-5-5	from Ch. 38, par. 1005-5-5

Amends the Professional Boxing Act. Changes the short title from the Professional Boxing Act to the Professional Athletics Act. Provides that no member shall be appointed to the Board for a term which would cause lifetime service to be more than 9 years (now, continuous service). Increases the maximum amount for fines and civil penalties under the Act from \$5,000 to \$10,000 per violation or offense. Amends the Regulatory Sunset Act and the Unified Code of Corrections to reflect the change in short title from the Professional Boxing Act to the Professional Athletics Act. Effective immediately.

LRB096 10675 ASK 20849 b

1 AN ACT concerning professional regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing
5 Section 4.22 as follows:

6 (5 ILCS 80/4.22)

7 Sec. 4.22. Acts repealed on January 1, 2012. The following
8 Acts are repealed on January 1, 2012:

9 The Detection of Deception Examiners Act.

10 The Home Inspector License Act.

11 The Interior Design Title Act.

12 The Massage Licensing Act.

13 The Petroleum Equipment Contractors Licensing Act.

14 The Professional Athletics ~~Boxing~~ Act.

15 The Real Estate Appraiser Licensing Act of 2002.

16 The Water Well and Pump Installation Contractor's License
17 Act.

18 (Source: P.A. 95-331, eff. 8-21-07.)

19 Section 10. The Professional Boxing Act is amended by
20 changing Sections 1, 2, 10.5, and 16 as follows:

21 (225 ILCS 105/1) (from Ch. 111, par. 5001)

1 (Section scheduled to be repealed on January 1, 2012)

2 Sec. 1. Short title and definitions.

3 (a) This Act may be cited as the Professional Athletics
4 ~~Boxing~~ Act.

5 (b) As used in this Act:

6 1. "Department" means the Department of Financial and
7 Professional Regulation.

8 2. "Secretary" means the Secretary of Financial and
9 Professional Regulation.

10 3. "Board" means the State Professional Athletics
11 ~~Boxing~~ Board appointed by the Secretary.

12 4. "License" means the license issued for promoters,
13 contestants, or officials in accordance with this Act.

14 5. (Blank).

15 6. "Contest" means a professional boxing, martial art,
16 or mixed martial art match or exhibition.

17 7. (Blank).

18 8. (Blank).

19 9. "Permit" means the authorization from the
20 Department to a promoter to conduct contests.

21 10. "Promoter" means a person who is licensed and who
22 holds a permit to conduct contests.

23 11. Unless the context indicates otherwise, "person"
24 includes an association, partnership, corporation,
25 gymnasium, or club.

26 12. (Blank).

1 13. (Blank).

2 14. (Blank).

3 15. "Judge" means a person licensed by the Department
4 who is at ringside during a match and who has the
5 responsibility of scoring the performance of the
6 participants in the contest.

7 16. "Referee" means a person licensed by the Department
8 who has the general supervision of a contest and is present
9 inside of the ring during the contest.

10 17. "Amateur" means a person who has never received or
11 competed for any purse or other article of value, either
12 for participating in any contest or for the expenses of
13 training therefor, other than a prize that does not exceed
14 \$50 in value.

15 18. "Contestant" means a person licensed by the
16 Department who competes for a money prize, purse, or other
17 type of compensation in a contest, exhibition, or match
18 held in Illinois.

19 19. "Second" means a person licensed by the Department
20 who is present at any contest to provide assistance or
21 advice to a contestant during the contest.

22 20. "Matchmaker" means a person licensed by the
23 Department who brings together contestants or procures
24 matches or contests for contestants.

25 21. "Manager" means a person licensed by the Department
26 who is not a promoter and who, under contract, agreement,

1 or other arrangement with any contestant, undertakes to,
2 directly or indirectly, control or administer the affairs
3 of contestants.

4 22. "Timekeeper" means a person licensed by the
5 Department who is the official timer of the length of
6 rounds and the intervals between the rounds.

7 23. "Purse" means the financial guarantee or any other
8 remuneration for which contestants are participating in a
9 contest.

10 24. "Physician" means a person licensed to practice
11 medicine in all its branches under the Medical Practice Act
12 of 1987.

13 25. "Martial arts" means a discipline such as, but not
14 limited to, Karate, Kung Fu, Jujitsu, Muay Thai, Tae Kwon
15 Do, and Kick-boxing.

16 26. "Mixed martial arts" means the use of a combination
17 of techniques from different disciplines of the martial
18 arts, including without limitation grappling, kicking, and
19 striking.

20 (Source: P.A. 95-593, eff. 6-1-08.)

21 (225 ILCS 105/2) (from Ch. 111, par. 5002)

22 (Section scheduled to be repealed on January 1, 2012)

23 Sec. 2. State Professional Athletics ~~Boxing~~ Board. There is
24 created the State Professional Athletics ~~Boxing~~ Board
25 consisting of 6 persons who shall be appointed by and shall

1 serve in an advisory capacity to the Director. One shall be a
2 physician licensed to practice medicine in all of its branches.
3 The Director shall appoint each member to serve for a term of 3
4 years and until his or her successor is appointed and
5 qualified. One member of the board shall be designated as the
6 Chairperson and one member shall be designated as the
7 Vice-chairperson. No member shall be appointed to the Board for
8 a term which would cause lifetime ~~continuous~~ service to be more
9 than 9 years. Service prior to January 1, 2000 shall not be
10 considered in calculating length of service on the Board. Each
11 member of the board shall receive compensation for each day he
12 or she is engaged in transacting the business of the board and,
13 in addition, shall be reimbursed for his or her authorized and
14 approved expenses necessarily incurred in relation to such
15 service in accordance with the travel regulations applicable to
16 the Department at the time the expenses are incurred.

17 A majority of the current members appointed shall
18 constitute a quorum.

19 The members of the Board shall be immune from suit in any
20 action based upon any disciplinary proceedings or other acts
21 performed in good faith as members of the Board.

22 The Director may remove any member of the Board for
23 misconduct, incapacity, or neglect of duty. The Director shall
24 reduce to writing any causes for removal.

25 (Source: P.A. 91-408, eff. 1-1-00; 92-499, eff. 1-1-02.)

1 (225 ILCS 105/10.5)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 10.5. Unlicensed practice; violation; civil penalty.

4 (a) Any person who practices, offers to practice, attempts
5 to practice, or holds oneself out to practice as a promoter,
6 contestant, second, referee, judge, manager, matchmaker, or
7 timekeeper without being licensed under this Act shall, in
8 addition to any other penalty provided by law, pay a civil
9 penalty to the Department in an amount not to exceed \$10,000
10 ~~\$5,000~~ for each offense as determined by the Department. The
11 civil penalty shall be assessed by the Department after a
12 hearing is held in accordance with the provisions set forth in
13 this Act regarding the provision of a hearing for the
14 discipline of a licensee.

15 (b) The Department has the authority and power to
16 investigate any and all unlicensed activity.

17 (c) The civil penalty shall be paid within 60 days after
18 the effective date of the order imposing the civil penalty. The
19 order shall constitute a judgment and may be filed and
20 execution had thereon in the same manner as any judgment from
21 any court of record.

22 (Source: P.A. 95-593, eff. 6-1-08.)

23 (225 ILCS 105/16) (from Ch. 111, par. 5016)

24 (Section scheduled to be repealed on January 1, 2012)

25 Sec. 16. Discipline and sanctions.

1 (a) The Department may refuse to issue a permit or license,
2 refuse to renew, suspend, revoke, reprimand, place on
3 probation, or take such other disciplinary action as the
4 Department may deem proper, including the imposition of fines
5 not to exceed \$10,000 ~~\$5,000~~ for each violation, with regard to
6 any license for one or any combination of the following
7 reasons:

8 (1) gambling, betting, or wagering on the result of or
9 a contingency connected with a contest or permitting such
10 activity to take place;

11 (2) participating in or permitting a sham or fake
12 contest;

13 (3) holding the contest at any other time or place than
14 is stated on the permit application;

15 (4) permitting any contestant other than those stated
16 on the permit application to participate in a contest,
17 except as provided in Section 9;

18 (5) violation or aiding in the violation of any of the
19 provisions of this Act or any rules or regulations
20 promulgated thereto;

21 (6) violation of any federal, State or local laws of
22 the United States or other jurisdiction governing contests
23 or any regulation promulgated pursuant thereto;

24 (7) charging a greater rate or rates of admission than
25 is specified on the permit application;

26 (8) failure to obtain all the necessary permits,

1 registrations, or licenses as required under this Act;

2 (9) failure to file the necessary bond or to pay the
3 gross receipts tax as required by this Act;

4 (10) engaging in dishonorable, unethical or
5 unprofessional conduct of a character likely to deceive,
6 defraud or harm the public, or which is detrimental to
7 honestly conducted contests;

8 (11) employment of fraud, deception or any unlawful
9 means in applying for or securing a permit or license under
10 this Act;

11 (12) permitting a physician making the physical
12 examination to knowingly certify falsely to the physical
13 condition of a contestant;

14 (13) permitting contestants of widely disparate
15 weights or abilities to engage in contests;

16 (14) participating in a contest as a contestant while
17 under medical suspension in this State or in any other
18 state, territory or country;

19 (15) physical illness, including, but not limited to,
20 deterioration through the aging process, or loss of motor
21 skills which results in the inability to participate in
22 contests with reasonable judgment, skill, or safety;

23 (16) allowing one's license or permit issued under this
24 Act to be used by another person;

25 (17) failing, within a reasonable time, to provide any
26 information requested by the Department as a result of a

1 formal or informal complaint;

2 (18) professional incompetence;

3 (19) 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 any tax Act administered by the Illinois Department of
7 Revenue, until such time as the requirements of any such
8 tax Act are satisfied;

9 (20) (blank);

10 (21) habitual or excessive use or addiction to alcohol,
11 narcotics, stimulants, or any other chemical agent or drug
12 that results in an inability to participate in an event; or

13 (22) failure to stop a contest or exhibition when
14 requested to do so by the Department.

15 (b) The determination by a circuit court that a licensee is
16 subject to involuntary admission or judicial admission as
17 provided in the Mental Health and Developmental Disabilities
18 Code operates as an automatic suspension. The suspension will
19 end only upon a finding by a court that the licensee is no
20 longer subject to involuntary admission or judicial admission,
21 issuance of an order so finding and discharging the licensee,
22 and upon the recommendation of the Board to the Director that
23 the licensee be allowed to resume his or her practice.

24 (c) In enforcing this Section, the Board, upon a showing of
25 a possible violation, may compel any individual licensed to
26 practice under this Act, or who has applied for licensure

1 pursuant to this Act, to submit to a mental or physical
2 examination, or both, as required by and at the expense of the
3 Department. The examining physicians or clinical psychologists
4 shall be those specifically designated by the Board. The Board
5 or the Department may order the examining physician or clinical
6 psychologist to present testimony concerning this mental or
7 physical examination of the licensee or applicant. No
8 information shall be excluded by reason of any common law or
9 statutory privilege relating to communications between the
10 licensee or applicant and the examining physician or clinical
11 psychologist. Eye examinations may be provided by a licensed
12 and certified therapeutic optometrist. The individual to be
13 examined may have, at his or her own expense, another physician
14 of his or her choice present during all aspects of the
15 examination. Failure of any individual to submit to a mental or
16 physical examination, when directed, shall be grounds for
17 suspension of a license until such time as the individual
18 submits to the examination if the Board finds, after notice and
19 hearing, that the refusal to submit to the examination was
20 without reasonable cause.

21 (d) If the Board finds an individual unable to practice
22 because of the reasons set forth in this Section, the Board
23 shall require the individual to submit to care, counseling, or
24 treatment by physicians or clinical psychologists approved or
25 designated by the Board, as a condition, term, or restriction
26 for continued, reinstated, or renewed licensure, or in lieu of

1 care, counseling, or treatment, the Board may recommend to the
2 Department to file a complaint to immediately suspend, revoke,
3 or otherwise discipline the license of the individual. Any
4 individual whose license was granted pursuant to this Act, or
5 continued, reinstated, renewed, disciplined, or supervised,
6 subject to such conditions, terms, or restrictions, who shall
7 fail to comply with such conditions, terms, or restrictions,
8 shall be referred to the Director for a determination as to
9 whether the individual shall have his or her license suspended
10 immediately, pending a hearing by the Board.

11 (Source: P.A. 95-593, eff. 6-1-08.)

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

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 by
17 the defendant of any civil rights, except under this Section
18 and Sections 29-6 and 29-10 of The Election Code, as now or
19 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 sentenced to imprisonment shall lose his right
24 to vote until released from imprisonment.

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

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

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

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

26 (h) No application for any license specified in subsection

1 (i) of this Section granted under the authority of this State
2 shall be denied by reason of an eligible offender who has
3 obtained a certificate of relief from disabilities, as defined
4 in Article 5.5 of this Chapter, having been previously
5 convicted of one or more criminal offenses, or by reason of a
6 finding of lack of "good moral character" when the finding is
7 based upon the fact that the applicant has previously been
8 convicted of one or more criminal offenses, unless:

9 (1) there is a direct relationship between one or more
10 of the previous criminal offenses and the specific license
11 sought; or

12 (2) the issuance of the license would involve an
13 unreasonable risk to property or to the safety or welfare
14 of specific individuals or the general public.

15 In making such a determination, the licensing agency shall
16 consider the following factors:

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

21 (2) the specific duties and responsibilities
22 necessarily related to the license being sought;

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

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

3 (5) the age of the person at the time of occurrence of
4 the criminal offense or offenses;

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

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

12 (8) the legitimate interest of the licensing agency in
13 protecting property, and the safety and welfare of specific
14 individuals or the general public.

15 (i) A certificate of relief from disabilities shall be
16 issued only for a license or certification issued under the
17 following Acts:

18 (1) the Animal Welfare Act; except that a certificate
19 of relief from disabilities may not be granted to provide
20 for the issuance or restoration of a license under the
21 Animal Welfare Act for any person convicted of violating
22 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
23 Care for Animals Act or Section 26-5 of the Criminal Code
24 of 1961;

25 (2) the Illinois Athletic Trainers Practice Act;

26 (3) the Barber, Cosmetology, Esthetics, and Nail

- 1 Technology Act of 1985;
- 2 (4) the Boiler and Pressure Vessel Repairer Regulation
- 3 Act;
- 4 (5) the Professional Athletics ~~Boxing~~ Act;
- 5 (6) the Illinois Certified Shorthand Reporters Act of
- 6 1984;
- 7 (7) the Illinois Farm Labor Contractor Certification
- 8 Act;
- 9 (8) the Interior Design Title Act;
- 10 (9) the Illinois Professional Land Surveyor Act of
- 11 1989;
- 12 (10) the Illinois Landscape Architecture Act of 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;
- 18 (15) the Illinois Roofing Industry Licensing Act;
- 19 (16) the Professional Engineering Practice Act of
- 20 1989;
- 21 (17) the Water Well and Pump Installation Contractor's
- 22 License Act;
- 23 (18) the Electrologist Licensing Act;
- 24 (19) the Auction License Act;
- 25 (20) Illinois Architecture Practice Act of 1989;
- 26 (21) the Dietetic and Nutrition Services Practice Act;

1 (22) the Environmental Health Practitioner Licensing
2 Act;

3 (23) the Funeral Directors and Embalmers Licensing
4 Code;

5 (24) the Land Sales Registration Act of 1999;

6 (25) the Professional Geologist Licensing Act;

7 (26) the Illinois Public Accounting Act; and

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

9 (Source: P.A. 93-207, eff. 1-1-04; 93-914, eff. 1-1-05;
10 94-1067, eff. 8-1-06.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.