



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2604

Introduced 1/21/2010, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

20 ILCS 2105/2105-207 new

Amends the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Provides that any licensee disciplined under a licensure Act administered by the Division of Professional Regulation for an offense relating to the failure to pay taxes, child support, or student loans or relating to continuing education or advertising may file a petition with the Department on forms provided by the Department, along with the required fee of \$200, to have the records of that offense removed from public view on the Department's website if certain conditions are met. Provides that nothing shall prohibit the Department from using a previous discipline for any regulatory purpose or from releasing records of a previous discipline upon request from law enforcement, other governmental body, or the public. Provides that removal of records of a disciplinary offense from the Department's website shall not be considered a vacating or expunging of the offense from the licensee's disciplinary record. Effective immediately.

LRB096 17968 ASK 33337 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Department of Professional Regulation Law of  
5 the Civil Administrative Code of Illinois is amended by adding  
6 Section 2105-207 as follows:

7 (20 ILCS 2105/2105-207 new)

8 Sec. 2105-207. Petition to remove disciplinary records  
9 from public view.

10 (a) Any licensee disciplined under a licensure Act  
11 administered by the Division of Professional Regulation for an  
12 offense relating to the failure to pay taxes, child support, or  
13 student loans or relating to continuing education or  
14 advertising may file a petition with the Department on forms  
15 provided by the Department, along with the required fee of  
16 \$200, to have the records of that offense removed from public  
17 view on the Department's website. A petition to remove  
18 disciplinary records shall only be considered by the Department  
19 if:

20 (1) the application is submitted more than 10 years  
21 after the disciplinary offense occurred;

22 (2) the licensee has had no incidents of discipline  
23 under this Act since the disciplinary offense identified in

1 the petition occurred;

2 (3) the Department has no pending investigations  
3 against the licensee; and

4 (4) the licensee is not currently in a disciplinary  
5 status.

6 (b) A petition to remove disciplinary records shall be  
7 submitted to and considered by the Director of the Division of  
8 Professional Regulation upon submission of a petition and the  
9 required non-refundable fee. The Department may establish  
10 additional requirements by rule. The Department is not required  
11 to report the removal of any disciplinary record to any  
12 national database. Nothing in this Section shall prohibit the  
13 Department from using a previous discipline for any regulatory  
14 purpose or from releasing records of a previous discipline upon  
15 request from law enforcement, other governmental body, or the  
16 public. Removal of records of a disciplinary offense from the  
17 Department's website pursuant to this Section shall not be  
18 considered a vacating or expunging of the offense from the  
19 licensee's disciplinary record.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.