

August 20, 2015

To the Honorable Members of
The Illinois Senate,
99th General Assembly:

Today I return Senate Bill 1702, which imposes new burdens on ex-offender re-entry into the job market, with a specific recommendation for change.

Senate Bill 1702 establishes licensing requirements for manufactured home dealers, which are currently licensed under other existing laws. I thank the sponsors, the Secretary of State, and interested parties for their cooperative work on this legislation.

As part of the new statutory requirements, Senate Bill 1702 would prohibit a person from obtaining a manufactured home dealer's license or from serving as an officer, director, or significant owner of a manufactured home dealer if he or she has been convicted of a "forcible felony," which is defined to include specific serious crimes as well as "any other felony which involves the use or threat of physical force or violence against any individual."

We must be careful whenever we disqualify ex-offenders from employment. While persons convicted of serious crimes may not be suitable for certain positions, disqualification is inconsistent with our goal of facilitating successful reentry of ex-offenders into society. In this case, the definition of forcible felony is potentially too broad: while it includes serious offenses like murder and rape, it also includes "any other felony which involves the use or threat of physical force or violence against any individual." Courts have examined and attempted to narrow the definition, but it remains open-ended and subject to frequent litigation, particularly over more common offenses like assault and battery.

In addition, courts have instructed us that a disqualifying offense must have a clear nexus to the position. The connection between forcible felony and manufactured home sales is not apparent.

The bill's proposed disqualification would be permanent. Proponents of the bill have advised, however, that they intended the disqualification be for a shorter duration, such as 10 years. These ongoing discussions are further reason to remove the disqualification provision from the bill.

Therefore, pursuant to Section 9(e) of Article IV of the Illinois Constitution of 1970, I hereby return Senate Bill 1702, entitled "AN ACT concerning transportation", with the following specific recommendation for change:

On page 8, by replacing lines 5 through 15 with "(8) blank.".

With this change, Senate Bill 1702 will have my approval. I respectfully request your concurrence.

Sincerely,

Bruce Rauner
GOVERNOR