

AN ACT concerning State government.

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

Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Sections 2105-131 and 2105-205 as follows:

(20 ILCS 2105/2105-131)

Sec. 2105-131. Applicants with criminal convictions; notice of denial.

(a) For the purposes of this Section, "mitigating factors" means any information, evidence, conduct, or circumstances before, during, or after the offense or offenses reviewed by the Department that may reflect on an applicant's request for licensure, registration, or certification through the Department, such as 3 years having passed since release from confinement. Mitigating factors are not a bar to licensure, instead they provide guidance for the Department when considering licensure, registration, or certification for an applicant with criminal history.

Except as provided in Section 2105-165 of this Act regarding licensing restrictions based on enumerated offenses for health care workers as defined in the Health Care Worker Self-Referral Act and except as provided in any licensing Act

administered by the Department in which convictions of certain enumerated offenses are a bar to licensure, the Department, upon a finding that an applicant for a license, certificate, or registration was previously convicted of a felony or misdemeanor that may be grounds for refusing to issue a license or certificate or to grant a registration, shall consider any mitigating factors and evidence of rehabilitation contained in the applicant's record, including the circumstances surrounding the offense or offenses and any of the following, to determine whether a prior conviction will impair the ability of the applicant to engage in the practice for which a license, certificate, or registration is sought:

(1) the lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions, and responsibilities of the position for which a license is sought;

(2) any mitigating factors from the point of arrest or indictment when determined to be appropriate, unless otherwise specified and including, but not limited to, whether 5 years since a felony conviction or 3 years since release from confinement for the conviction, whichever is later, have passed without a subsequent conviction;

(3) if the applicant was previously licensed or employed in this State or other states or jurisdictions, the lack of prior misconduct arising from or related to the licensed position or position of employment;

(4) the age of the person at the time of the criminal offense;

(4.5) if, due to the applicant's criminal conviction history, the applicant would be explicitly prohibited by federal rules or regulations from working in the position for which a license is sought;

(5) successful completion of sentence and, for applicants serving a term of parole or probation, a progress report provided by the applicant's probation or parole officer that documents the applicant's compliance with conditions of supervision;

(6) evidence of the applicant's present fitness and professional character;

(7) evidence of rehabilitation or rehabilitative effort during or after incarceration, or during or after a term of supervision, including, but not limited to, a certificate of good conduct under Section 5-5.5-25 of the Unified Code of Corrections or certificate of relief from disabilities under Section 5-5.5-10 of the Unified Code of Corrections; and

(8) any other mitigating factors that contribute to the person's potential and current ability to perform the job duties.

(b) If the Department refuses to issue a license or certificate or grant registration to an applicant based upon a conviction or convictions, in whole or in part, the Department

shall notify the applicant of the denial in writing with the following included in the notice of denial:

(1) a statement about the decision to refuse to grant a license, certificate, or registration, including an explanation of how the conviction directly relates to and would prevent the person from effectively engaging in the position for which a license, registration, or certificate is sought;

(2) a list of convictions that the Department determined will impair the applicant's ability to engage in the position for which a license, registration, or certificate is sought;

(3) a list of convictions that formed the sole or partial basis for the refusal to issue a license or certificate or grant registration; and

(4) a summary of the appeal process or the earliest the applicant may reapply for a license, certificate, or registration, whichever is applicable.

(c) The Department shall post on its website a list of all State licensing restrictions that would prohibit an applicant from working in a position for which a license is sought.

(Source: P.A. 100-286, eff. 1-1-18; 101-388, eff. 1-1-20.)

(20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

Sec. 2105-205. Publication of disciplinary actions; annual report.

(a) The Department shall publish on its website, at least monthly, final disciplinary actions taken by the Department against a licensee or applicant pursuant to any licensing Act administered by the Department. The specific disciplinary action and the name of the applicant or licensee shall be listed.

(b) No later than May 1 of each year, the Department must prepare, publicly announce, and publish a report of summary statistical information relating to new license, certification, or registration applications during the preceding calendar year. Each report shall show at minimum:

(1) the number of applicants for each new license, certificate, or registration administered by the Department in the previous calendar year;

(2) the number of applicants for a new license, certificate, or registration within the previous calendar year who had any criminal conviction;

(3) the number of applicants for a new license, certificate, or registration in the previous calendar year who were granted a license, registration, or certificate;

(4) the number of applicants for a new license, certificate, or registration within the previous calendar year with a criminal conviction who were granted a license, certificate, or registration in the previous calendar year;

(5) the number of applicants for a new license,

certificate, or registration in the previous calendar year who were denied a license, registration, or certificate;

(6) the number of applicants for new license, certificate, or registration in the previous calendar year with a criminal conviction who were denied a license, certificate, or registration in part or in whole because of such conviction, including the types of criminal convictions;

(7) the number of licenses issued on probation within the previous calendar year to applicants with a criminal conviction; and

(8) the number of licensees or certificate holders who were granted expungement for a record of discipline based on a conviction predating licensure, certification, or registration or a criminal charge, arrest, or conviction that was dismissed, sealed, or expunged or did not arise from the regulated activity, as a share of the total such expungement requests.

(Source: P.A. 99-227, eff. 8-3-15; 100-286, eff. 1-1-18.)