

HB3184



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3184

by Rep. Carol Ammons

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois New Business Owner Act. Provides that no application for a license for any State or local department, agency, board, or commission shall be denied or acted on adversely by reason of the applicant having been previously convicted of one or more criminal offenses or by reason of a finding of lack of good moral character, except if certain determinations are made. Provides certain factors to be considered concerning a previous criminal conviction. Effective immediately.

LRB100 10790 SMS 21021 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 1. Short title. This Act may be cited as the
5 Illinois New Business Owner Act.

6 Section 5. Purpose. The public policy of this State is to
7 promote transparency in government and remove the unnecessary
8 barriers in place that prevent hard-working people from
9 excelling in their profession and starting businesses. It is
10 also the public policy of this State to prohibit discrimination
11 on account of race; color; religion; sex, including sexual
12 harassment; national origin; ancestry; military status; age,
13 specifically the age of 40 or more; order of protection status;
14 marital status; sexual orientation, including gender-related
15 identity; unfavorable military discharge; and physical and
16 mental disability. The Equal Employment Opportunity Commission
17 found that blanket restrictions can result in the violation of
18 an individual's civil rights. This Act is intended to ensure
19 that the State is removing unnecessary barriers to business
20 ownership, ensuring a transparent license application review
21 process, and properly considering all applicants.

22 Section 10. Definitions. For the purposes of this Act, the

1 following terms shall have the following meanings:

2 "Direct relationship" means that the nature of criminal
3 conduct for which the person was convicted has a direct bearing
4 on his or her fitness or ability to perform one or more of the
5 duties or responsibilities necessarily related to the license
6 in question.

7 "License" means any certificate, license, permit, or grant
8 of permission required by the laws of this State and its
9 political subdivisions or instrumentalities as a condition for
10 the lawful practice of any occupation, employment, trade,
11 vocation, business, or profession.

12 "Public agency" means the State, or any local subdivision
13 thereof, or any State or local department, agency, board, or
14 commission.

15 Section 15. Applicability. This Act applies to any person
16 who applies for a license from any public agency who has been
17 convicted of one or more criminal offenses in any jurisdiction.

18 Section 20. Blanket discrimination against persons
19 previously convicted of one or more criminal offenses
20 prohibited. No application for any license to which the
21 provisions of this Act are applicable shall be denied or acted
22 upon adversely by reason of the applicant having been
23 previously convicted of one or more criminal offenses or by
24 reason of a finding of lack of good moral character if such a

1 finding is based upon the fact that the individual has
2 previously been convicted of one or more criminal offenses,
3 unless, after carefully considering the factors specified in
4 Section 25, the public agency determines that:

5 (1) there is a direct relationship between one or more
6 of the previous criminal offenses and the specific license
7 sought or held by the individual; and

8 (2) the issuance or continuation of the license would
9 involve a substantial risk to property or the general
10 public.

11 Section 25. Factors to be considered concerning a previous
12 criminal conviction.

13 (a) In making a determination pursuant to Section 20, the
14 public agency shall consider the following factors:

15 (1) the public policy of this State to prohibit
16 discrimination and encourage the growth and creation of
17 businesses;

18 (2) the specific duties and responsibilities
19 necessarily related to the license sought;

20 (3) the bearing, if any, the criminal offense or
21 offenses for which the person was previously convicted will
22 have on his or her fitness or ability to perform one or
23 more of the duties or responsibilities necessarily related
24 to the license in question;

25 (4) any evidence demonstrating the ability of the

1 applicant to perform the responsibilities of the license in
2 question;

3 (5) the time that has elapsed since the occurrence of
4 the criminal offense or offenses;

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

7 (7) the seriousness of the offense or offenses;

8 (8) the circumstances surrounding the offense or
9 offenses;

10 (9) any information produced by the person, or produced
11 on the person's behalf, in regard to the person's
12 rehabilitation and good conduct; and

13 (10) the legitimate interest of the public agency in
14 protecting property and public safety.

15 (b) In making a determination pursuant to Section 20, the
16 public agency shall also give consideration to a certificate of
17 relief from disabilities or a certificate of good conduct
18 issued to the applicant, which shall create a presumption of
19 rehabilitation in regard to the offenses or offenses specified
20 therein.

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